

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

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James R. Thompson Center
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**EXECUTIVE DIRECTOR
Steven S. Sandvoss**

BOARD MEMBERS
Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

**AGENDA
STATE BOARD OF ELECTIONS
BOARD MEETING
Wednesday, February 18, 2015
10:30 a.m.**

James R. Thompson Center – Room 9-040
Chicago, Illinois
and via videoconference
2329 S. MacArthur Blvd.
Springfield, Illinois

Roll call.

1. Approval of the minutes from the January 20 meeting. (pgs.1-5)
2. Report of the General Counsel
 - a. Campaign Disclosure;
Motion for reconsideration
 - 1) *SBE v. East St. Louis Republican Central Committee*, 18551, 14JQ049; (pgs.6-7)
 - 2) *SBE v. Long Grove United*, 25726, 14JQ165; (pgs.8-9)Request for settlement offer
 - 3) *SBE v. Boone County Republican Central Committee*, 749, 14AJ010; (pgs.10-12)
 - 4) *SBE v. Citizens for Lauren Beth Gash*, 8421, 14MQ030; (pgs.13-14)Appeals of campaign disclosure fines – hearing officer recommendation appeals be denied
 - 5) *SBE v. The Illinois Chamber PAC*, 107, 14AJ002; (pgs.15-18)
 - 6) *SBE v. West Central IL Labor Council COPE Committee*, 443, 14AJ007; (pgs.19-22)
 - 7) *SBE v. Citizens for McCoy*, 16856, 14AJ023; (pgs.23-26)
 - 8) *SBE v. Citizens for Mary Burress for Treasurer*, 22405, 14JQ076; (pgs.27-29)Appeals of campaign disclosure fines – hearing officer recommendation appeals be granted and denied
 - 9) *SBE v. Tazewell County Republican Central Committee*, 667, 14MA024; (pgs.30-35)Complaints following public hearing
 - 10) *Reyes v. First Ward Organization*, 14CD005 & *Reyes v. 1st Ward Democratic Committeeman's Fund*, 14CD006; (pgs.36-53)
 - 11) *Johnson v. Kane County Conservative Coalition*, 14CD109; (pgs.54-122)Other campaign disclosure items
 - 12) Payment of civil penalties – informational; (pg.123)Complaints following closed preliminary hearing (separate packet)
 - 13) *Kelly v. Friends of Michele Smith*, 15CD001; (pgs.1-10)
 - 14) *Kelly v. Friends of Michele Smith*, 15CD002; (pgs.11-15)
 - b. Consideration of HAVA complaints – 15HAVA1 & 15HAVA2. (pgs.124-129)

3. Report of the Executive Director
 - a. 2015 Consolidated Elections update;
 - 1) February 24 election day assignments; (pg.130)
 - 2) Voting system pre-testing; (pg.131)
 - 3) Election judge training schools – informational; (pg.132)
 - b. Legislative update; (oral report)
 - c. Senate Bill 172 update; (pg.133)
 - d. Fiscal status reports – informational;
 - 1) FY15 – month ending January 31; (pgs.134-141)
 - 2) FY15 – Help Illinois Vote Fund; (pgs.142-147)
 - e. Two year plan of staff activity for the months of February & March – informational. (pgs.148-154)
4. Follow up;
 - a. Election judge staffing – Chicago Board of Election Commissioners.
5. Comments from the general public. (pg.155)
6. Next Board Meeting scheduled for Monday, March 16, 2015 in Springfield. (pg.155)
7. Executive session. (pgs.156-162)

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, January 20, 2015

MINUTES

PRESENT:

Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers, Member
Betty J. Coffrin, Member
Ernest L. Gowen, Member
William M. McGuffage, Member
Bryan A. Schneider, Member
Casandra B. Watson, Member

ALSO PRESENT:

Steven Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Ken Menzel, General Counsel
Amy Calvin, Administrative Assistant II

The meeting convened at 10:30 a.m. via videoconference with all Members present. Chairman Smart, Vice Chairman Scholz and Members Byers were present in Springfield and Members Gowen, McGuffage and Watson were present in Chicago. Members Coffrin and Schneider were present via teleconference.

The Chairman opened the meeting by leading everyone in the pledge of allegiance.

Member Byers moved to approve the minutes from the December 16 meeting as presented. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The Executive Director introduced Heather Kimmons who recently began employment as staff legal counsel in the Springfield office and welcomed her to the agency.

The Executive Director presented a memo regarding the certification of the ballot for the April 7, 2015 Consolidated Election. He said the last day to certify the candidates for Multi-County Regional Board of School Trustees and Fox Waterway Agency Directors is January 29. In past election cycles the Board has authorized staff to certify the candidates for these offices in lieu of a special board meeting and asked the board to grant authorization for certification on January 29. Vice Chairman Scholz moved to grant authorization to staff to certify the candidates listed in the memo on January 29 for the April 7 Consolidated Election. Member Byers seconded the motion which passed by roll call vote of 8-0.

A listing of jurisdictions that will be conducting a Consolidated Primary Election on February 24, 2015 and a listing of election judge training schools was presented for informational purposes.

The Executive Director indicated an Advisory Committee meeting was scheduled for tomorrow at 1:00 p.m. in the Springfield office and via videoconference with the Chicago office. Topics on the agenda for discussion include, provisions of Senate Bill 172, online and election day voter registration, MOVE and electronic canvassing.

The Executive Director reported on legislation and said that the passage of Senate Bill 172 contained mandates that will impact the Agency in a significant manner, especially the Paperless Online Voter Application (POVA) system. He noted that Kyle Thomas and Kevin Turner would discuss these requirements later in his report. The Executive Director also reported that the 98th General Assembly met in special session to consider the matter of special election legislation for constitutional offices. House Bill 4576 provides for a special election in the event of a vacancy in a state constitutional office based on the number of months remaining in the term. If more than 28 months remain there will be a special election held to fill the vacancy in that office. The bill passed in the House and Senate and is awaiting the Governor's signature. The Executive Director indicated that clean up legislation will also be introduced in the Spring Session dealing with new party and independent candidate petition filing.

Mr. Thomas discussed Senate Bill 172 and said one of its main impacts on the SBE and POVA will be the extension of grace period voter registration through election day. For any county with a population of over 100,000, grace period registration will be available in the polling places and in the precincts for those jurisdictions. He also noted that the Bill requires certain state agencies (Secretary of State, Employment Security, Aging, Health and Family Services and Human Services) to provide voter registration to individuals doing business with those agencies through their websites and in person. Senate Bill 172 will also mandate changes to the National Change of Address procedures, provisional voting and will require the SBE to enter into an agreement with the Electronic Registration Information Center (ERIC). Mr. Thomas said these mandates will require many technical changes to the infrastructure of POVA to implement those requirements. Mr. Turner added that in addition to numerous expenses for the SBE, this project will require temporary contractors and outside resources as well. He said that preliminary figures have been submitted to the legislature and noted that this project cannot be completed without additional funding. The Executive Director indicated that some of the IVRS funding could be set aside to assist with the SBE's expenses and the rest allocated in the IVRS State grant to help the election authorities offset some of their costs. After discussion, it was agreed that staff would prepare a timeline of milestones and provide updates at each monthly board meeting.

The fiscal reports and two year plan of staff activity for December and January were presented for informational purposes.

The General Counsel presented a request for settlement offer for Agenda item 3.a.1, *SBE v. Friends of Anthony Soler*, 24091, 13MA024 and recommended the offer be rejected because the amount was less than 6% of the original assessment. Anthony Soler was present on behalf of the committee and indicated that the committee was dissolved and the remaining funds were returned to the state. He said that the committee was not originally required to file because they did not meet the \$5,000 threshold. Mr. Soler said he served the country as a Navy Deep Sea Diver with an honorable discharge and has been a firefighter paramedic for 18 years. Because of his strong belief in public serve he disclosed more information that was required in the reports and asked the board for leniency. Member Gowen moved to waive the remaining civil penalties in the matter. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a request for settlement offer for Agenda item 3.a.2, *SBE v. Citizens to Elect Eric J. Kellogg*, 14486, 11CD089 & 14MA010 and recommended the offer be rejected because of the committee's history of repeated noncompliance with its filing requirements. He also noted that the committee had another matter on the agenda for late filings and additional civil penalty assessments. No one was present on behalf of the committee. Member Gowen moved to accept the recommendation of the General Counsel and deny the

settlement offer. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a request for settlement offer for Agenda item 3.a.3, *SBE v. Boone County Republican Central Committee*, 749, 14AJ010 and recommended the offer be denied because the amount was only 25% of the original assessment. No one was present on behalf of the committee. Member Byers moved to accept the recommendation of the General Counsel and deny the settlement offer. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeals for Agenda items 3.a.4-6:

- 4) *SBE v. INCS Action PAC*, 25902, 14AJ053;
- 5) *SBE v. Springfield PAC for Education*, 5705, 14JQ016;
- 6) *SBE v. Friends of Peoria County Schools*, 25734, 14AM090.

No one was present on behalf of the respondent committees. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and grant the appeals. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeals for Agenda items 3.a.7-13:

- 7) *SBE v. Union County Democratic Committee*, 61, 14JQ001;
- 8) *SBE v. Warren County Democratic Central Committee*, 77, 14JQ002;
- 9) *SBE v. Macon County Democratic Central Committee*, 155, 14AJ003;
- 10) *SBE v. Illinois Hotel & Motel PAC (IHMPAC)*, 689, 14JQ006;
- 11) *SBE v. Belleville Area Democratic Central Organization*, 5486, 14JQ013;
- 12) *SBE v. Batavia Township Republican Organization*, 17662, 14JQ043;
- 13) *SBE v. State & Local PAC of Int'l Alliance of Theatrical Stage Employees*, 25445, 14AJ044.

No one was present on behalf of the respondent committees. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and grant the appeals. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

It was noted that Agenda item 3.a.14, *Reyes v. First Ward Organization*, 14CD005 & *Reyes v. 1st Ward Democratic Committeeman's Fund*, 14CD006 was pulled and will be placed on the February meeting agenda.

The General Counsel presented a complaint following public hearing for Agenda item 3.a.15, *SBE v. Citizens to Elect Eric J. Kellogg*, 14CD125. He concurred with the hearing officer recommendation that the complaint be dismissed and the matter referred to staff for assessment of civil penalties. No one was present on behalf of the respondent committee. Member Byers moved to accept the recommendation of the General Counsel. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented the complaints following public hearing for Agenda items 3.a.16-34:

- 16) *SBE v. votedebby.com*, 14CD136;
- 17) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 14CD137;

- 18) *SBE v. Re-Elect Eric Leys*, 14CD145;
- 19) *SBE v. Jackson for Committeeman Ind. Democratic Political Org.*, 14CD149;
- 20) *SBE v. Friends of Jeremy J. Ly*, 14CD153;
- 21) *SBE v. Tammy Baer for Douglas County State's Attorney*, 14CD155;
- 22) *SBE v. Citizens for Rudd*, 14CD161;
- 23) *SBE v. Friends of David Moore*, 14CD162;
- 24) *SBE v. Citizens to Elect Anthony Coleman for Mayor of North Chicago*, 14CD163;
- 25) *SBE v. Braiman for Judge*, 14CD165;
- 26) *SBE v. Friends of Christina Campos*, 14CD170;
- 27) *SBE v. Citizens to Elect 169 Write-ins*, 14CD173;
- 28) *SBE v. Hispanic American Community Leadership Network*, 14CD175;
- 29) *SBE v. Friends for Mary C. Childers*, 14CD176;
- 30) *SBE v. Will Kyles Committee*, 14CD178;
- 31) *SBE v. Supporters of Joe Cook*, 14CD179;
- 32) *SBE v. Citizens to Elect Frazier Garner*, 14CD183;
- 33) *SBE v. Fans of Harness Racing*, 14CD185;
- 34) *SBE v. The Committee to Elect Robert R. McKay*, 14CD189.

He concurred with the hearing officer recommendation that the complaints be upheld and issue a board order requiring the delinquent reports be filed within thirty days of the order or face a fine up to \$5,000. No one was present on behalf of the respondent committee. Vice Chairman Scholz moved to accept the recommendation of the General Counsel. Member Watson seconded the motion which passed by roll call vote of 8-0.

A listing of civil penalty assessments necessitating a final board order was presented. The committee listed on page 179 was pulled from the listing because the fine had been paid. Vice Chairman Scholz moved to assess the civil penalty against the committees listed on pages 176-178 of the board packet. Member Byers seconded the motion which passed by roll call vote of 8-0.

Adjustments to contributions limits and payment of civil penalties updates were presented for informational purposes.

Vice Chairman Scholz moved to recess to executive session to consider complaints following closed hearing. Member Byers seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 11:25 a.m. and reconvened at 11:55 a.m.

Members Byers and McGuffage left the meeting at 11:55 a.m. and Vice Chairman Scholz and Member Watson held their proxies respectively.

As to Agenda item 3.a.38, *Illinoisans for Karmeier v. Campaign for 2016, Franklin County Democratic Organization and Williamson County Democratic Central Committee*, 14CD195, Member Schneider moved to find that the complaint was not filed on justifiable grounds and the matter be dismissed. Member Watson seconded the motion which passed by roll call vote of 8-0.

As to Agenda items 3.a.39-44, Member Schneider moved to find that the following complaints were filed on justifiable grounds and the matters proceed to a public hearing:

- 39) *SBE v. ERA PAC*, 14CD118;
- 40) *SBE v. Citizens for Leys*, 14CD128;
- 41) *SBE v. Citizens for Colvin*, 14CD129;

- 42) *SBE v. Boaters PAC, NFP*, 14CD132;
- 43) *SBE v. Boone County Young Republican Club*, 14CD141;
- 44) *SBE v. Citizens for Tyler Smith*, 14CD143.

Member Watson seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 3.a.45, *SBE v. Citizens for Brian J. Smith*, 14CD147, Member Schneider moved to find that the complaint was filed on justifiable grounds and the matter referred to staff for assessment of civil penalties. Member Watson seconded the motion which passed by roll call vote of 8-0.

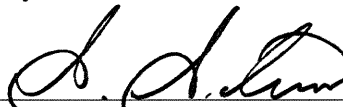
The Chairman indicated that Sharon Meroni from Defend the Vote was present and requested to speak during the comments from the general public section of the agenda. Ms. Meroni expressed her concerns regarding the selection and recruitment of election judges in the City of Chicago. Ms. Meroni indicated that she requested election judge data on December 2 from the City of Chicago and has not received complete information. Darnell Macklin, sixth ward republican committeeman in Chicago, was present and expressed his support for Ms. Meroni and the republican election judge program. He was concerned about the number of Democratic election judges that were placed in Republican spots when there were an ample number of Republican judges available. Ms. Meroni also verified that she is the person who oversees the Republican election judge program for Cook County. The Chairman asked the General Counsel to follow up with the City of Chicago on the matter and report back to Ms. Meroni.

With there being no further business before the Board, Vice Chairman Scholz moved to adjourn until 10:30 a.m. on Wednesday, February 18, 2015 in Chicago. Chairman Smart seconded the motion which passed unanimously. The meeting adjourned at 12:05 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Steven Sandvoss, Executive Director

852 No 74th St.
 E St Louis Illinois 62203

To: Jesse R. Smart - Chairman

From: Dr. J. Wendel Campbell Chairman RCC ID# 18551

Re: Final Order, / State Board of Election (appeal)

Date 1/30/15

STATE BOARD OF ELECTIONS

15 JAN 30 PM 2:11

This matter of delinquent filing was due to the
 pass through requesting that the statement be
 emailed to him. However after he resigned.
 I began filing the campaign disclosure only to
 find out that each time was late due to I was
 only notified when it was late by letter. Afterward
 I called and requested that the quarterly reports
 data be mailed to 852 No 74th St. East St Louis
 Illinois 62203. and this was confirmed.

However a fine & penalty was assessed against
 me for the 75.00. I am requesting that this decision
 be reversed and allow me (here have to begin
 receiving my mail. Thank you for your attention
 in this matter.

Respectfully,
 J. Wendel Campbell

CC Laura - FAX 217-782-5959

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
State Board of Elections)
 Complainant(s),)
)
Vs.) 14 JQ 049
)
East St Louis Republican Central)
Committee)
 Respondent(s).)

FINAL ORDER

TO: East St Louis Republican Central Committee ID# 18551
 852 N 74th St
 East St Louis, IL 62203-1722

This matter coming to be heard this 20th day of January, 2015 as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

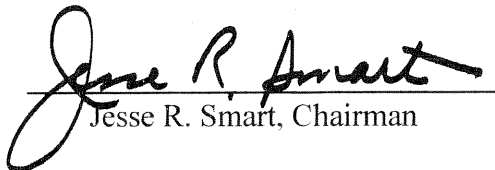
THE BOARD FINDS

1. In case number 14 JQ 049, a \$675.00 civil penalty was assessed against the Respondent for the delinquent filing of the June 2014 Quarterly report; and
2. An appeal of the civil penalty was not submitted by the committee.

IT IS ORDERED:

1. A civil penalty in the amount of \$675.00 is imposed and is stayed as a first violation; and
2. The effective date of this Order is January 22, 2015 and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 1/22/2015


Jesse R. Smart, Chairman

STATE BOARD OF ELECTIONS

Sharon Steward
State Board of Elections
State of Illinois

15 JAN 29 AM 9:20

Re: Motion for Reconsideration of 14 JQ 165 Final Order

January 28, 2015

Ms. Steward:

I received the Final Order for a civil penalty imposed upon our Political Committee, Long Grove United # 25726.

I understand that the order is stayed. I am respectfully asking, however, to have the Order reconsidered and vacated. I did not send in an Appeal because I was under the impression that the failure to transmit the quarterly report for June 2014 had been forgiven. I called the Board of Elections several times and spoke with your department and was under the impression that that was sufficient.

I apologize for the previous lack of timely reports. I have stepped in for the members who failed to file in a timely manner. In their defense, the two members responsible for the filings were very ill and did not fail to file from laziness or disinterest. Rather, it was a lack of focus. I have filed the reports in a timely fashion since my conversations with the Election Board about the late filing and plan to continue to do so.

If reconsideration is possible at this point, I would very much appreciate vacating the Final Order.

Rita O'Connor
President Long Grove United # 25726
Cell: 847 208 8839
ritaoc@comcast.net

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
State Board of Elections)
 Complainant(s),)
)
Vs.) 14 JQ 165
)
Long Grove United)
 Respondent(s).)

FINAL ORDER

TO: Long Grove United
 3531 RFD Oakhill Ln
 Long Grove, IL 60047

ID# 25726

This matter coming to be heard this 20th day of January, 2015 as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

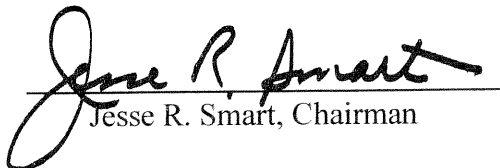
THE BOARD FINDS

1. In case number 14 JQ 165, a \$275.00 civil penalty was assessed against the Respondent for the delinquent filing of the June 2014 Quarterly report; and
2. An appeal of the civil penalty was not submitted by the committee.

IT IS ORDERED:

1. A civil penalty in the amount of \$275.00 is imposed and is stayed as a first violation; and
2. The effective date of this Order is January 22, 2015 and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 1/22/2015


Jesse R. Smart, Chairman

Sreenan & Cain, P.C.

Attorneys at Law

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January 13, 2015

Illinois State Board of Elections

Jesse R. Smart, Chairman

100 W. Randolph, Suite 14-100

Chicago, IL 60601

RE: Boone County Republican Central Committee

Dear Chairman Smart,

I am in receipt of a copy of the final Order in case number 2014 AJ 010. The generous decision of the Board to reduce the fine from \$2,000.00 to \$1,000.00 in the case is acknowledged and appreciated. However, the Committee's finances are such that there is only \$494.51 in its account.

The Committee respectfully request the fine be reduced to \$250.00. The Committee can pay this amount immediately. The president of the Committee will agree to attend a seminar regarding Campaign Finance in the future to help avoid any further miss-filings and mistakes. If the fine is any hire than \$250.00 the Committee is simply unable to comply with the Final Order.

Sincerely,



Jim Hursh

Attorney at Law

CHICAGO
2015 JAN 15 PM 3:24
STATE BOARD OF ELECTIONS

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
Illinois State Board of Elections)
 Complainant(s),)
Vs.)
)
Boone County Republican Central)
Committee)
 Respondent(s).)

FINAL ORDER

TO: Boone County Republican Central Committee
520 Pearl St #315
Belvidere, IL 61008

ID# 749

This matter coming to be heard this 20th day of January, 2014 as a Motion to Settle Civil Penalty Assessment under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections reading the recommendation of the General Counsel and now being fully advised in the premises,

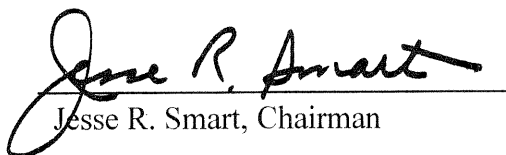
THE BOARD FINDS:

1. A Motion to Settle Civil Penalty Assessment was filed by the Respondent requesting that the assessed civil penalty in the amount of \$1000.00 be reduced to \$250.00.

IT IS ORDERED:

1. The Motion to Settle Civil Penalty Assessment is not accepted by the Board; and
2. The assessed penalty of \$1000.00 remains due and owing within 30 days of the effective date of this Order, and
3. The effective date of this Order is January 22, 2015, and
4. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 1/22/2015


Jesse R. Smart, Chairman

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
Illinois State Board of Elections)
 Complainant(s),)
)
Vs.) 14 AJ 010
)
Boone County Republican Central)
Committee)
 Respondent(s).)

FINAL ORDER

TO: Boone County Republican Central Committee
520 Pearl St, #315
Belvidere, IL 61008

ID # 749

This matter coming to be heard this 16th day of December, 2014, as an appeal of the imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. In case number 14 AJ 010, a \$2000.00 civil penalty was initially assessed against the Respondent for the delinquent filing of Schedule A-1's during the second quarter of 2014; appeal was taken from this assessment, and
2. The committee was previously assessed a penalty of \$500.00 for failing to file a Schedule A-1 during the second quarter of 2012 (12 AJ 012), a penalty of \$50.00 for the delinquent filing of the September 2012 quarterly report (12 SQ 006) and a penalty of \$50.00 for the delinquent filing of the June 2013 quarterly report (13 JQ 019). These assessments were not appealed, the Schedule A-1 assessment was reduced to \$50.00 by the Board, and have been paid by the committee., and
3. The recommendation of the Hearing Officer, in which the General Counsel concurs, is that the appeal be denied for lack of an adequate defense, but that pursuant to section 9-10 of the Code, the assessment be reduced to \$1000.00 (50% of the value of the delinquently reported contributions).

IT IS ORDERED:

1. That the recommendation of the Hearing Officer and the General Counsel is adopted and the appeal is DENIED; and
2. A civil penalty in the amount of \$1000.00 is imposed and is now due and owing within 30 days of the effective date of this Order, and
3. The effective date of this Order is December 17, 2014, and
4. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 12/17/2014


Jesse R. Smart, Chairman

8421- 3

STATE BOARD OF ELECTIONS

15 FEB -9 AM 8: 14

To: State Board of Elections

January 31, 2015

To Whom It May Concern:

The Citizens for Lauren Beth Gash committee requests that the fine of \$700 against the committee be reduced in half to \$350. The committee was virtually dormant since 2007. In fact since 2009 there has been no absolutely no activity until we closed the committee this past June.

The 9 day late filing was not deliberate, but rather a human error due to the non-activity of the committee. The person acting as Treasurer had regularly filed reports with no contributions nor expenditures – since 2009 -- with literally no activity. He suggested closing the account, and we had planned to do that. . As soon as it was realized that the filing was late (and the committee had not been formally closed), the filing was immediately transmitted. We should have closed the account several years before, of course.

We ask the Board to reduce the fine in half under the circumstances that the committee has had no activity for so many years and is now closed, and we would like to settle the matter. Thank you so much for your consideration.

Lauren Beth Gash

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
Illinois State Board of Elections)
 Complainant(s),)
)
Vs.) 14 MQ 030
)
Citizens for Lauren Beth Gash)
 Respondent(s).)

FINAL ORDER

TO: Citizens for Lauren Beth Gash
PO Box 523
Deerfield, IL 60015

ID# 8421

This matter coming to be heard this 21st day of October, 2014 as an appeal of the imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. In case number 14 MQ 030, a \$450.00 civil penalty was assessed against the Respondent for the delinquent filing of the March 2014 Quarterly report; appeal was taken from this assessment, and
2. The committee was previously assessed a penalty of \$250.00, which was stayed as a first violation, for the delinquent filing of the June 2013 Quarterly report (13 JQ 047). This assessment was not appealed, and
3. The recommendation of the Hearing Officer, in which the General Counsel concurs, is that the appeal be denied for lack of an adequate defense, and
4. The committee filed a Final report on July 9, 2014.

IT IS ORDERED:

1. The recommendation of the Hearing Officer and the General Counsel is adopted and the appeal is DENIED; and
2. A civil penalty in the amount of \$450.00 is imposed and the stay is lifted on the previously assessed penalty of \$250.00. The total amount of \$700.00 will be abated on October 23, 2016 if the committee remains dissolved until that time without forming a Successor committee pursuant to Rules and Regulations 100.110(b), and
3. The effective date of this Order is October 23, 2014, and
4. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 10/23/2014


Jesse R. Smart, Chairman

**STATE OF ILLINOIS
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

v.

14 AJ 002

The Illinois Chamber PAC
Cmte ID: 107
Respondent

REPORT OF HEARING OFFICER


Appeal of Civil Penalty Assessment
For Delinquently Filing a Schedule A-1 Report

The Committee filed a Schedule A-1 on May 15th, 2014, with respect to a donation of \$5000 from Motorola Solutions, dated April 11th, 2014. The filing occurred more than five business days after the donation. The fine amount is \$2500. The civil penalty is automatically reduced to \$1250 (50% of the above-referenced fine amount) as the product of a second delinquent A-1. The Committee filed a late A-1 during the first quarter of 2014 regarding a donation of \$1000 from Takeda Pharmaceuticals, North America, and was fined \$50 (not appealed, stayed).

Angie Leach, the Treasurer of the Committee, filed a Waiver of Appearance and an Appeal Affidavit in this matter.

On the Affidavit, Ms. Leach stated the delinquent A-1 filing was the product of an oversight and miscommunication between the Committee and the accounting firm that files its Reports. She said there was no intention to hide the receipt in question and noted the Committee and its accounting firm will implement a new system designed to diminish the likelihood of subsequent late filings.

I recommend the appeal be denied for lack of an adequate defense. If the Board accepts this recommendation, the stay on the \$50 fine for the late A-1 during the first quarter of 2014 would be lifted, and a total of \$1300 would be due and owing. As of September 30th, 2014, the Committee reported a cash balance of \$57,069.92



John Levin – Hearing Officer
January 12th, 2015

State of Illinois)

County of: Sangamon)

STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS 14 DEC 12 PM 1:24
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)

ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant)

Vs.)

Case No. 14A9002

IL Chamber PAC
Respondent(s).)

APPEAL AFFIDAVIT

I, Angie Leach, the Treasurer of the
(Name) (Chairman/Treasurer)

Illinois Chamber PAC
(Name of the Committee)

Committee, first being duly sworn, deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

The failure to report was merely an oversight, not an intent to deceive or
hide information. Chamber staff makes the deposits, but Sibich (accounting firm)
files the reports. Miscommunication resulted in the missed A1. Moving
forward, Sibich will file reports and make deposits to diminish
the likelihood of future omissions.

Angie Leach Treasurer
Signature of Chairman/Treasurer

Signed and Sworn to by: [Signature]

before me this 12 Day of December, 2014

Notary Public OFFICIAL SEAL
(seal) **DREW M. LONG**
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 08-27-2018

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

2329 S MacArthur Blvd.
Springfield, Illinois 62704
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



EXECUTIVE DIRECTOR
Rupert T. Borgsmiller

BOARD MEMBERS
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Charles W. Scholz, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

November 14, 2014

Illinois Chamber PAC
Todd Maisch
215 E Adams
Springfield, IL 62701

ID# 107

7013 1710 0001 8744 7063

Dear Illinois Chamber PAC:

This committee has failed to timely file the following Schedule A-1's, Report of Campaign contributions of \$1000 or more as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>	<u>Fine Assessed</u>
Motorola Solutions	4/11/2014	\$5000	5/15/2014	19	\$2500

As required by the Illinois Campaign Disclosure Act, as amended by Public Act 96-832, your committee is subject to a fine of \$2500.00 for delinquent filing schedule A-1 reports. This total **does not** reflect any previously assessed fines.

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$1250.00, (50% of the above referenced fine amount) regardless of whether you choose to file an appeal under the Board's present policy. The reduced amount will be imposed and due with the issuance of a Final Board Order after the 30-day appeal period has expired. This amount must be paid, including any previously assessed fines, within 30 days of the issuance of the Order.

Enclosed, please find Section 125.425 *Civil Penalty Assessments* and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. **Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal by December 15, 2014 you forfeit the right to contest this assessment.**


If the above listed violation is not appealed, and since this is a subsequent violation, the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days of the issuance of the Final Board Order:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
2014 March	A 1	\$50
TOTAL AMOUNT NOW DUE		\$1300

If you do not appeal this assessment, you must pay your fine within 30 days of the Final Board Order. However, you may also elect to pay the fine at this time. You may mail or deliver payments to the State Board of Elections, Attn: Campaign Disclosure, 2329 S MacArthur Blvd., Springfield, IL 62704.

If you have any questions regarding the appeal procedure, please call Laura Marbold at 217-782-1543.

Sincerely,



Sharon Steward, Director
Campaign Disclosure Division

SS: lm

Enclosures: appeal packet

* This contribution was reported on a Quarterly Report but should also have been reported on a Schedule A-1 Report of Campaign Contributions of \$1000 or more.

**STATE OF ILLINOIS
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

v.

14 AJ 007

West Central IL Labor Council COPE Committee ID# 443
Respondent

REPORT OF HEARING OFFICER


Appeal of Civil Penalty Assessment for Failure to File a Schedule A-1 Report

The Committee received a \$1,500 contribution on 4/8/14 and failed to report it on a Schedule A-1, resulting in a civil penalty assessment of \$750. Additionally, the Committee had previously been assessed a \$25 civil penalty (not appealed, stayed) for delinquent filing of the September 2012 Quarterly Report. The total assessment is \$775.

Nancy Gardner, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Gardner states that she believed she was reporting the contribution correctly, based on what she had been told by a Board representative at a workshop hosted by the AFL-CIO in early 2014. Specifically, she says she was told that funds being transferred from one account of the organization to the reporting account should not be reported on a Schedule A-1. Ms. Gardner adds that she had previously reported such transfers on an A-1, but changed that practice based on what she was told at the workshop.

Funds moved between different accounts held by one committee do not need to be reported on a Schedule A-1, nor do contributions made through dues or levies when a labor organization is acting as a conduit to facilitate delivery of those contributions to a political committee, but funds transferred to a committee from a parent organization do need to be reported on a Schedule A-1. I contacted Ms. Gardner to clarify the nature of the \$1,500 contribution at issue. She indicated the funds were not dues payments, but were a transfer of funds from the parent labor organization to the political committee. An A-1 was therefore required to report the contribution. I believe the failure to file an A-1 was the result of a genuine misunderstanding regarding the nature of the funds, but unfortunately this does not excuse the Committee from its reporting obligation. I must therefore recommend the appeal be denied. However, since there is no indication the violation was anything other than inadvertent and unintentional, and since this is the first A-1 violation for this Committee, I recommend the penalty be reduced to 10% of the original assessment, or \$75. If these recommendations are accepted by the Board, the stay would be lifted from the previous penalty, and the total assessment of \$100 will be due and owing. (As of 12/31/14, this Committee reported a funds available balance of \$404.39.)



Tom Newman – Hearing Officer
January 28, 2015

State of Illinois)

County of: Peoria)

STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

14 DEC 19 AM 10:10

IN THE MATTER OF:)

ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant)

Vs.)

Case No. 14A0007West Central IL Labor Council
COPE Committee Respondent(s).

APPEAL AFFIDAVIT

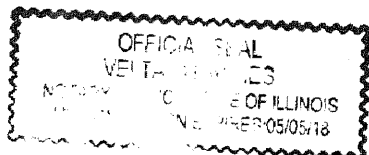
I, NANCY M GARDNER, the Treasurer of the
(Name) (Chairman/Treasurer)West Central IL Labor Council COPE Committee
(Name of the Committee)

Committee, first being duly sworn, deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

ATTACHED

Nancy M Gardner
Signature of Chairman/Treasurer

Signed and Sworn to by:

Velta M. Haynes
before me this 19th Day of December, 2014Notary Public
(seal)

Labor Council of West Central Illinois

AFL-CIO

400 N.E. Jefferson, Suite 408, Peoria, IL 61603

Phone (309) 674-2614

Fax (309) 674-2170

Meetings 4th Monday 7:00 p.m. Peoria Labor Temple

14 DEC -9 PM 12:21



December 8, 2014

OFFICERS:

MICHAEL EVERETT

President

RONALD COX

Exec. Vice-President

TODD HOLZINGER

Vice-President

NANCY GARDNER

Financial Sec/Treas

PHILLIP SALZER

Recording Secretary

Illinois State Board of Elections

Sharon Steward, Director

2329 S MacArthur Blvd

Springfield, Illinois 62704

Dear Ms. Steward:

I am writing to appeal the enclosed listed violation - Not filing a Schedule A-1.

At a workshop hosted by the Illinois AFL-CIO in early 2014, in Springfield, a representative from your office said in their report of requirements and regulations of filing necessary election reports that funds transferred from one account of the organization to the reporting account **SHOULD NOT** be reported on a A-1 schedule, but on the next quarterly report. I had been filing them on an A-1 schedule until then.

So on April 8, 2014 I did not report that transfer of the \$1,000.00 of funds from the Labor Council of West Central Illinois general account to the COPE account of the Labor Council, our reporting account, but I did report the \$1,000.00 on the June quarterly report.

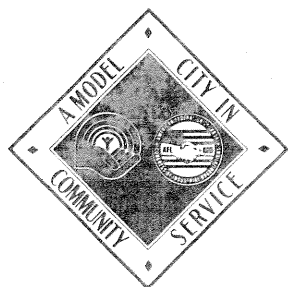
I did the same thing on the September 2014 quarterly report. However, I did report a donation we made to a candidate of \$1,000.00 on a B-1 schedule. If I had thought I needed to report the transfer of funds from one account to another, I would have filed an A-1 at that time as well.

I was not trying to avoid reporting the necessary reports, nor being negligent. I was only doing what I had been told to do or not do at the workshop I attended.

I attend these workshops every year just so I won't make errors in our reporting. I tried to call your office to try to clear this up, but only got a voice mail. I have had no response to that call.

Respectfully,

Nancy Gardner
Nancy Gardner, Treasurer



STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

2329 S MacArthur Blvd.
Springfield, Illinois 62704
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



EXECUTIVE DIRECTOR
Rupert T. Borgsmiller
November 14, 2014

BOARD MEMBERS
Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

West Central IL Labor Council COPE Comm ID# 443

Michael Everett
400 NE Jefferson Ave, Ste 408
Peoria, IL 61603-3747

7013 1710 0001 8744 6899

Dear West Central IL Labor Council COPE Comm:

This committee has failed to timely file the following Schedule A-1's, Report of Campaign contributions of \$1000 or more as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>	<u>Fine Assessed</u>
Labor Council of West Central Illinois	4/8/2014	\$1500	*	61	\$750

As required by the Illinois Campaign Disclosure Act and the changes enacted in 2011, as amended by Public Act 96-832, your committee is subject to a fine of \$750.00 for delinquent filing Schedule A-1 reports. This total **does not** reflect any previously assessed fines.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$75.00, (10% of the above referenced fine amount) regardless of whether you choose to file an appeal under the Board's present policy. The reduced amount will be imposed and due with the issuance of a Final Board Order after the 30-day appeal period has expired. This amount must be paid, including any previously assessed fines, within 30 days of the issuance of the Order.

Enclosed, please find Section 125.425 *Civil Penalty Assessments* and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. **Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal by December 15, 2014 you forfeit the right to contest this assessment.**

If the above listed violation is not appealed, and since this is a subsequent violation, the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days of the issuance of the Final Board Order:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
2012 September	Quarterly	\$25
TOTAL AMOUNT NOW DUE		\$100

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v.

14 AJ 023

Citizens for McCoy

ID# 16856

Respondent

REPORT OF HEARING OFFICER

Appeal of Civil Penalty Assessment for Delinquent Filing of a Schedule A-1 Report

The Committee received a \$1,000 contribution on 6/15/14 and failed to report it on a Schedule A-1, resulting in a civil penalty assessment of \$500.

Curtis Wardelman, the Treasurer of the Committee, filed a Request for Hearing and submitted an Appeal Affidavit.

There was no appearance by the respondent at the hearing held on January 28, 2015. On the Affidavit, Mr. Wardelman states that he entered the data for the contribution in question into the IDIS 2.0 software in June of 2014 and he was aware at the time that an A-1 filing was required, but the system did not create an A-1 to file. Mr. Wardelman says he contacted Board staff for assistance, and was told that there were known problems with version 2.0 that would not be fixed because of the switchover to IDIS 3.0. He claims he was also advised to not be concerned with non-filing of the A-1. Mr. Wardelman states that in July, he again contacted Board staff to explain that he could not file the A-1 but could file the Quarterly Report and was again told that problems with version 2.0 were not being fixed. He says at that time, the Quarterly Report was filed.

Whatever issues Mr. Wardelman may have encountered using the IDIS electronic filing software, I cannot and do not believe that any Board staff member would tell a committee to not be concerned with non-filing of a Schedule A-1. The only instance in which an A-1 filing would not be necessary to report a contribution of \$1,000 or more would be one in which the quarterly report for the quarter in which the contribution was received had already been filed. This is by design in the IDIS system. Once the quarterly report is filed, all contributions from that quarter have been reported, including any A-1 contributions, so an additional A-1 filing is no longer necessary. I am unaware of any other situation in IDIS that would cause an A-1 to not appear when a qualifying contribution is entered. I recommend the appeal be denied for lack of an adequate defense. However, since there is no indication the violation was anything other than inadvertent and unintentional, and since this is the first A-1 violation for this Committee, I recommend the penalty be reduced to 10% of the original assessment, or \$50. As a first violation, the penalty is stayed. (As of 12/31/14, this Committee reported a funds available balance of \$8,701.11 with additional investments of \$20,000.)


Tom Newman – Hearing Officer

February 3, 2015

State of Illinois)
)
County of PEORIA)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.)
)
CITIZENS FOR MCCOY)
Respondent(s).)

Case No. 14A9023

APPEAL AFFIDAVIT

I, CURTIS A WARDELMAN, the TREASURER of the
(Name) (Chairman/Treasurer)
CITIZENS FOR MCCOY
(Name of the Committee)

Committee, first being duly sworn, deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

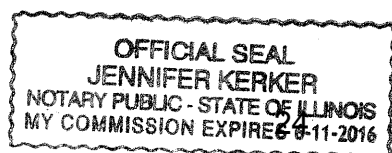
In June of 2014 I was entering the information for receipts for a fund raiser that was held. When I entered the contribution by LIG Consulting the A1 notification did not activate on version 2.0 on the software. I was aware that a A1 filing was due. I contacted the Springfield office of the State Board of Elections and spoke with Jason and was told that there were known issues with version 2.0 of the software but since by the end of the third quarter all of the committees would be switching over to version 3.0 they were not making any modifications to version of 2.0. I was advised not to be concerned with non filing of the A1. In the first part of July, I then contacted the Springfield office again prior to filing the quarterly report and again explained that I could not file the A1 but could file the quarterly report. Once again I was told that they weren't fixing issues relating to version 2.0. At that time, the quarterly report was filed. In the third quarter I ran into the same issue. It took over 2 weeks and multiple attempts to get the information out of version 2.0. I had to consult with a computer software specialist to get the information extracted. In the last part of September I finally got the information loaded into 3.0 and filed the quarterly report. If I would have been told in June that I must immediately convert to 3.0 otherwise we would be fined. I would have started the process at that time. (Continued on attachment)

Signed and Sworn to by:

Jennifer Kerker
before me this 8th Day of
December, 2014

Jennifer Kerker
Notary Public

Curt A Wardelman Treasurer
(Signature of Chairman/Treasurer)



Citizens for McCoy
Appeal Affidavit
December 8, 2014

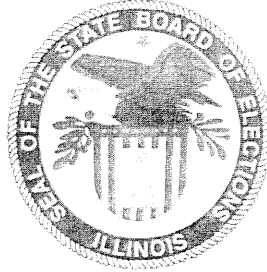
Reason and Defenses (continued)

I was not informed until I received the notice on November 18, 2014 that there was a problem relating to the issue. By that time it was too late for me to correct any errors in the quarters. In the entire time the campaign has been in existence we have never failed to file a report or been fined in any way. I am requesting the failure to file an A1 be waived. If you need any further information please do not hesitate to contact me. Thank you for your consideration.

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

2329 S MacArthur Blvd.
Springfield, Illinois 62704
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



EXECUTIVE DIRECTOR
Rupert T. Borgsmiller
November 14, 2014

BOARD MEMBERS
Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

Citizens for McCoy
7405 Durham Lake Ct
Peoria, IL 61607

ID# 16856

7013 1710 0001 8744 7902

Dear Citizens for McCoy:

This committee has failed to timely file the following Schedule A-1's, Report of Campaign contributions of \$1000 or more as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>	<u>Fine Assessed</u>
LIG Consulting, LL	6/15/2014	\$1000	*	15	\$500

As required by the Illinois Campaign Disclosure Act, as amended by Public Act 96-832, your committee is subject to a fine of \$500.00 for delinquent filing schedule A-1 reports.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$50.00, (10% of the above referenced fine amount) regardless of whether you choose to file an appeal under the Board's present policy. The reduced amount will be imposed and due with the issuance of a Final Board Order after the 30-day appeal period has expired. Since your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be *stayed* as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee. **Therefore, you need not pay this assessed civil penalty unless another violation occurs.**

Enclosed, please find Section 125.425 *Civil Penalty Assessments* and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. **Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal by December 15, 2014 you forfeit the right to contest this assessment.**

If you have any questions regarding the appeal procedure, please call Laura Marbold at 217-782-1543.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Steward".

Sharon Steward, Director
Campaign Disclosure Division

SS: lm

Enclosures: appeal packet

* This contribution was reported on a Quarterly Report but should also have been reported on a Schedule A-1 Report of Campaign Contributions of \$1000 or more.

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v.

14 JQ 076

Citizens for Mary Burress for Treasurer ID# 22405

Respondent

REPORT OF HEARING OFFICER

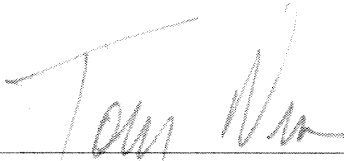
Appeal of Civil Penalty Assessment for Delinquent Filing of the
June 2014 Quarterly Report

The Report was received by the Board on 7/24/14, 7 days late, resulting in a civil penalty assessment of \$350. Additionally, the Committee had previously been assessed a \$150 civil penalty (not appealed, stayed) for delinquent filing of the March 2014 Quarterly Report. The total assessment is \$500.

Mary Burress, the Candidate of the Committee, filed a Request for Hearing and submitted an Appeal Affidavit.

On the Affidavit and at the hearing, held on 1/28/15, Mrs. Burress indicated that the late filing was unintentional and the result of her forgetting to file the Report, partly because she was on vacation at the time of the filing deadline. She added that there has been no activity and little money in the account for some time.

I recommend the appeal be denied for lack of an adequate defense. If this recommendation is accepted by the Board, the stay would be lifted from the previous penalty and the total assessment of \$500 will be due and owing. At the Hearing, Mrs. Burress was given information about filing a Final Report to close the Committee, and she in fact chose to exercise this option. Therefore, I further recommend that should the Committee remain dissolved for a period of two years from the date of the Final Board Order imposing the fine, the fine be abated. (As of 1/28/15, this Committee had filed a Final Report and reported a funds available balance of \$0.)



Tom Newman – Hearing Officer
January 28, 2015

State of Illinois)
County of: Tazewell)

STATE BOARD OF ELECTIONS

14 DEC 15 PM 2:17

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
Mary J. Burress)
Respondent(s).)

Case No. 1490076

APPEAL AFFIDAVIT

I, Mary J. Burress, the Treasurer of the
(Name) (Chairman/Treasurer)

Citizens for Mary Burress for Treasurer

(Name of the Committee)

Committee, first being duly sworn, deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

There was nothing intentional done, we were on vacation and I simply let

the filing date pass (memory) I've had the same amount in my fund for the past 3 years

and there has been no activity on this account. Without an opponent you are so relaxed

and complacent I simply forgot and let the date pass with no intention to harm anyone.



Mary J. Burress
Signature of Chairman/Treasurer

Signed and Sworn to by: Christine A. Joesting
before me this 15th Day of December, 2014

Notary Public
(seal)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

2329 S MacArthur Blvd.
Springfield, Illinois 62704
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



EXECUTIVE DIRECTOR
Rupert T. Borgsmiller

November 14, 2014
ID# 22405

BOARD MEMBERS
Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
Judith C. Rice
Bryan A. Schneider
Casandra B. Watson

Citizens for Mary Burress for Treasurer
Robert G Burress
713 Deerfield Dr
Pekin, IL 61554-9737

7013 1710 0001 8744 9241

Dear Citizens for Mary Burress for Treasurer:

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	June Quarterly Report of Campaign Contribution and Expenditures
Report Period:	April 1, 2014 through June 30, 2014
Filing Period:	July 1, 2014 through July 15, 2014

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b) of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on 7/24/2014, 7 day(s) late. As such, this committee has been assessed a fine of \$350.00.

Enclosed, please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. *Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal by December 15, 2014 you forfeit the right to contest this assessment.*

If the above listed violation is not appealed, and since this is a subsequent violation, the previously assessed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days of the issuance of the Final Board Order:

Reporting Period	Report Type	Previous Fine Amount
2014 March	Quarterly	\$150
TOTAL AMOUNT NOW DUE		\$500.00

If you do not appeal this assessment, you must pay your fine within 30 days of the Final Board Order. However, you may also elect to pay the fine at this time. You may mail or deliver payments to the State Board of Elections, Attn: Campaign Disclosure, 2329 S MacArthur Blvd., Springfield, IL 62704. You may also pay by MasterCard, Discover, or American Express.

If you have any questions regarding the appeal process, please call Laura Marbold at 217-782-1543.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sharon Steward".

Sharon Steward, Director,
Campaign Disclosure Division

SS: lm
Enclosure(s): appeal packet

**STATE OF ILLINOIS
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

v.

14 MA 024

Tazewell County Republican Central Committee
Cmte ID: 667
Respondent

REPORT OF HEARING OFFICER

Appeal of Civil Penalty Assessments
For Delinquently Filing the December 2013 and March 2014 Quarterly Reports

The December 2013 Report was received on July 14th, 2014, 122 days late, resulting in an assessment of \$5000. The March 2014 Report was also received on July 14th, 2014. It was 62 days late, resulting in an assessment of \$5000.

Donald Gronewold, Treasurer of the Committee, filed an Appeal Affidavit in this matter. In the affidavit, he noted the Committee has filed 132 amended Reports to resolve balance discrepancy issues dating back to 2006 that were uncovered in an audit. Mr. Gronewold said the Committee was aware of the fact its Report were required to be filed electronically, but filed initial paper versions of the Reports in question to show good faith, in light of challenges the Committee encountered in trying to file electronically.

Mr. Gronewold also appeared in person at a hearing at 10:00 a.m. on Tuesday, January 27th, 2015, at the Board's Springfield office. He explained that the issue of filing numerous amended Reports due to the balance discrepancies added to the challenge of filing the two Reports in question electronically and in a timely manner. Mr. Gronewold said he had been Treasurer of the Committee for more than 20 years, during which time he has always demanded receipts for every Committee transaction. He also noted the Committee is made up entirely of volunteers who have devoted a good deal of time to addressing the filing of required disclosure reports.

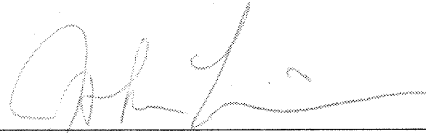
Former Chairman Lowell Schroeder, who held the position until May, 2014, testified at the hearing that a computer virus compounded the challenges in filing timely electronic Reports. He testified the Committee hired the auditor who discovered the balance discrepancies to get all filings up-to-date and accurate, and she has done so. Mr. Schroeder also elaborated on the challenges the Committee faced with electronically filing a large number of Reports. "If anybody wanted to get this corrected, it was me," stated Mr. Schroeder.

Current Chairman Mary Burress testified at the hearing in Springfield, confirming the Committee is now on solid footing with its reporting. She said the latest disclosure Report – as

well as the previously-filed amended Reports -- accurately reflect the Committee's finances. Ms. Burrress pleaded for leniency with respect to the assessments, noting they total more than the Committee currently has on hand.

Section 100.150 5) of the Rules accompanying the Campaign Finance Act states, in part, "If a committee is assessed a civil penalty and, in the course of its appeal, raises the defense that computer related issues (including, but not limited to, software, firewalls, system failures) prohibited the timely filing of an electronic Report, the Board may consider that defense when determining the final outcome of the appeal." The Committee has adequately represented that viruses and challenges compounded by the large number of required amended Reports in this matter perhaps precluded the timely electronic filing of the December 2013 Quarterly Report. Accordingly, I recommend the appeal be granted with respect to that Report.

However, the electronic filing defense may be used only once by a Committee. Accordingly, I recommend the appeal of the assessment for the delinquent March 2014 Quarterly Report be denied. If the Board accepts both recommendations, the fine for the delinquent March 2014 report would be stayed as the product of a first offense. As of December 31st, 2014, the Committee reported a cash balance of \$6,614.26.



John Leyin – Hearing Officer
January 27th, 2015

State of Illinois)
)
County of Tazewell)

STATE BOARD OF ELECTIONS

14 DEC 12 AM 11:07

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)

ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant)

Vs.)

Case No. 14MP0241

Tazewell County Republican Central Committee)

Respondent(s).)

APPEAL AFFIDAVIT

I, Donald Gronewold the Treasurer of the Tazewell County Republican Central Committee

First being duly sworn, deposes and states that he represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are: due to his lack of understanding of computerized filing and computers, Paper filing was acceptable when he first became treasurer. *Electronic filing was not required. Volunteers with this kind of expertise are usually employed and not easy to find.*

It was decided that the chairman would input information and file electronic reports from information gathered from the paper reports submitted to him by the treasurer. The chairman would use the software provided by the State Board of Elections (SBE).referred to as IDIS.

The respondent states that not until the committee was audited did it realize that there were variances involving beginning and ending balances.in the process of converting paper reports to electronic input .This was largely .due to the way the committee recorded outstanding checks and deposits in transit etc.

The committee was given time to correct the reports and made every effort to do so. Thinking more of getting it right then how much time it was taking.

The audit, of 2013, meant to cover a 2 year period, May 2nd, 2011 through May 2nd, 2013, was extended to 2006 and went as far back as 2005 to arrive at a true beginning balance.

The chairman was overwhelmed with the effort, a bad computer and failure to understand how to proceed. The committee filed a total of 132 amended reports in the year that followed in an effort to amend and correct monthly, quarterly, annual, pre-election reports dating back to 2006- He was unable to complete this task in a timely manner.

In April of 2014 the chairman's term ended and new committee chairman was elected. The committee hired a bookkeeper to correct and file amended reports with the election commission.

The IDIS software program requires that reports must be amended from the earliest date forward. So in

State of Illinois)

County of Tazewell)

order to file the Quarterly reports due 3rd quarter of 2013 and 1st quarter of 2014 we first had to file 7 years of amended quarterly reports. The IDIS system does not allow entries exceeding 7 years.

The Tazewell County Republican Party acknowledges that errors were made, but not from neglect or trying to hide receipts or contributions, nor from a lack of effort. Errors were attributed to computer error and the process of switching from paper to computer input. Changes in reporting requirements involving the date a receipt was received vs date it was deposited, to name a few.

The committee believed that the importance of getting the amended reports filed with the correct cash balance was necessary not only to satisfy compliance requirements with the State Board of Elections but for the benefit of Tazewell County Republicans.

The respondent attempted to correct the complaints filed by the State Board of Election Commission and in doing so were assessed a penalty for filing late reports ,4th quarter 2013 and 1st quarter 2014 which could not be filed until previous reports were filed, as explained here. We attempted to file those reports on time but the reports were rejected due to their being filed on paper. We knew the board would not accept the paper reports, but it was an attempt to show good faith. Not neglect. We were faced with no other choice.

The committee prays the board will consider our efforts as volunteers and judge us not on our failures but our effort to amend and rectify them. Please consider the fact that we are now in compliance and plan on staying that way. We beg the board to reduce our fine from 10,000.00 to \$1500 per each occurrence for a total of \$3,000.00.

Section 125.425 Civil Penalty Assessments gives the board some guidelines in determining the civil penalty. We have already spent 3500.00 on the audit and correcting the complaints. Our estimated cash balance December 31, \$7,500.00. With some outstanding commitments. We pay a bookkeeper \$50.00 per Quarter to file our reports.

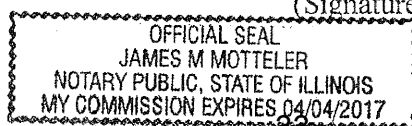
D) When considering the amount of the civil penalty to be imposed under subsection (d)(5)(C), the Board shall consider the following factors:

- i) Whether the political committee made an attempt to disclose the contribution and any attempts to correct the violation;
- ii) Whether the violation was attributed to a clerical or computer error;
- iii) The amount of the contribution;
- iv) Whether the violation arose from a discrepancy between the date the contribution was reported transferred by a political committee and the date the contribution was received by a political committee;
- v) The number of days the contribution was reported late; and
- vi) Past violations of Sections 9-3 and 9-10 of the Election Code by the political committee. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed

Signed and Sworn to by:

Donald R. Gronewold
before me this 11th Day of
December, 2014
[Signature]
Notary Public

Donald R. Gronewold
(Signature of Chairman/Treasurer)



STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

2329 S MacArthur Blvd.
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217/782-4141
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EXECUTIVE DIRECTOR
Rupert T. Borgsmiller
November 14, 2014

BOARD MEMBERS
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William M. McGuffage
Casandra B. Watson

Tazewell County Republican Central Committee ID# 667
1000 Court St
Pekin, IL 61554-2037

7013 1710 0001 8744 7353

Dear Tazewell County Republican Central Committee:

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	December 2013 Quarterly Report of Campaign Contributions and Expenditures
Report Period:	October 1, 2013 thru December 31, 2013
Filing Period:	January 1, 2014 thru January 15, 2014

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b) of the Election Code, it has been assessed a civil penalty for each day this report remained electronically refiled. According to Board records, this report was received by the Board on 7/14/2014, 122 day(s) late. As such, this committee has been assessed a fine of \$5000.00.

In addition, this committee failed to file electronically the following documents during the requisite filing period:

Report Type:	March 2014 Quarterly Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2014 thru March 31, 2014
Filing Period:	April 1, 2014 thru April 15, 2014

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on 7/14/2014, 62 day(s) late. As such, this committee has been assessed a fine of \$ 5000.00.

The total for all new assessments is \$10000.00.

Enclosed, please find Section 125.425 *Civil Penalty Assessments* and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. **Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal by December 15, 2014, you forfeit the right to contest this assessment.**

If you do not appeal this assessment, you must pay your fine within 30 days of the Final Board Order. However, you may also elect to pay the fine at this time. You may mail or deliver payments to the State Board of Elections, Attn: Campaign Disclosure, 2329 S MacArthur Blvd., Springfield, IL 62704. You may also pay by American Express, MasterCard, or Discover.

If you have questions regarding the appeal process, please call Laura Marbold at 217-782-1543.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sharon Steward". The signature is fluid and cursive, with the first name "Sharon" written in a larger, more prominent script than the last name "Steward".

Sharon Steward, Director
Campaign Disclosure Division

SS: lm
Enclosure(s):

appealpacket

In the Matter of:

and

**Reyes v. 1st Ward Democratic
Committeeman Fund and Jesse Juarez**

14 CD 005

14 CD 006

I. BACKGROUND

(1) 14 CD 105

(a) Allegations

Section 9-11: Failure to file complete reports regarding the 4th Quarter of 2013.

(b) Closed Preliminary Hearing

Section 9-11: Found not to be filed on justifiable grounds.

(2) 14 CD 006

(a) Allegations

Section 9-11: Failure to file complete and accurate reports since June, 2012.

(b) Closed Preliminary Hearing

Section 9-11: The second allegation, to wit, the failure to file complete and accurate reports since the June, 2012 quarterly reports, ordered to a public hearing.

II. PUBLIC HEARING

A. State's Exhibits

14 CD 005

- D-4 Complaint
- Order Dated 6-20-14 (following Closed Preliminary Hearing)
- Notice of Public Hearing
- Notice of Appointment of Hearing Examiner

- D-4 Complaint
- Order Dated 6-20-14 (following Closed Preliminary Hearing)
- Notice of Public Hearing
- Notice of Appointment of Hearing Examiner

The two matters were consolidated.

B. The Complainant's Case-in-Chief

The Complainant's Case-in Chief consisted of 27 Exhibits and the testimony of Jesse Juarez who was called as a hostile witness.

The 27 Exhibits are listed in detail and attached to this Recommendation. Due to the number and length of Exhibits, a detailed description of each Exhibit is provided. The entire set will be available at the Board meeting. It should be noted that the Exhibits are in the order introduced rather than chronological order.

The testimony of Jesse Juarez relates to the bank records, missing committee records and the inconsistency between the D-2 Reports and the bank statements.

Initially, it should be noted that MB Financial, which took over for New Century Bank, does not have any bank records for the First Ward Organization. The account for the First Ward Organization was opened with New Century Bank on August 13, 2007 by Jesse Juarez who was the authorized signer (Exh.3). New Century was closed by the Illinois Dept of Financial Regulation on or about April 3, 2010 and taken over by MB Financial. (Exh.4).

In regards to the First Ward Organization, the semi-annual report for July 1, 2008 to December 31, 2008 has a beginning balance of \$60,754.51 (7-1-08) and an ending balance of \$55,054.51 (12-31-08). The 2 expenditures were \$5,000 on November 5, 2008 to JRJ Consultants* and \$700 on July 29, 2008 to Citizens for Suarez. (Exh.7). The semi-annual report for January 1, 2009 to December 31, 2009 has a beginning balance of \$55,054.51 (1-1-09) and the same ending balance (12-31-09). (Exh.6). There have been no further reports filed by the First Ward Organization since December 31, 2009.

The issues with the 1st Ward Democratic Committeeman Fund are best illustrated by comparing the balances reported on the D-2 with the bank statements for the corresponding dates to the Exhibit attached to this Recommendation:

<u>DATE</u>	<u>REPORTED D-2 BALANCE</u>	<u>BANK STATEMENT</u>
6-30-09	\$38,686.27	- 1,746.28
6-30-10	40,636.27	374.85
3-31-12	62,716.85	1,971.77
6-30-12	62,716.85	9.79
9-30-12	62,716.85	-0-

The account for the 1st Ward Democratic Committeeman Fund was closed as of September 30, 2012. Nevertheless, the 1st Ward Democratic Committeeman fund reported the \$62,716.85 balance as of December 31, 2012, March 31, 2013, June 30, 2013, September 30, 2013, December 31, 2013, March 31, 2014, and June 30, 2014.

* JRJ Consultants is owned by Jesse R. Juarez

Jesse Juarez testified there were cash withdrawals of \$3,900 in January 2012 (Exh.25) \$4,100 in February, 2012 (Exh.26), \$8,100 in March 2012 (Exh.13) and \$1,900 in May, 2012 (Exh.27) used for payments to precinct workers. Yet, none of the payments exceeded \$150 and no records exist as to the names of the recipients. Mr. Juarez testified the cash payments were given to Brady Chalmers, his campaign manager. However, he has not contacted Mr. Chalmers in over 2 years and is unsure if Chalmers has the records. In summary, there were \$18,000 in cash withdrawals between January 1 and June 30, 2012 by Jesse Juarez and the money was placed in envelopes and given to Brady Chalmers to be used for payment to precinct workers.

Mr. Juarez also testified that he gave both sets of committee records to Pat Botterman who was going to forward them to Bert Schmitt. Mr. Schmitt was an accountant hired to file the necessary reports. Mr. Botterman was given a banker-size box of receipts and a computer. Mr. Botterman died on March 11, 2008 and Mr. Juarez was not able to retrieve the receipts or the computer.

Finally, Mr. Juarez claimed he did not read the verification at the bottom of the D-2 reports and is uncertain who submitted the D-2 reports. The \$62,716.85 balance was repeatedly reported because Mr. Juarez contends he was instructed by staff of the State Board of Elections to file D-2's rather than let further fines accumulate. It was subsequently determined Mr. Juarez was informed of the statutory requirement to file D-2 reports in a timely manner. **Mr. Juarez was never instructed by staff to file inaccurate or false reports.**

C. Respondent's Case-in-Chief

The Respondent presented no evidence and rested.

III. FINDINGS OF FACT

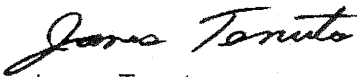
1. The First Ward Organization has not filed any reports since 2009. The last report indicated a balance of \$55,054.51.
2. Neither bank records nor committee records were located for the First Ward Organization. Assuming there is not an existing bank account for the First Ward Organization, the \$55,054.51 had to be removed.
3. The chart entitled D-2 Reports v. Bank Statements for the 1st Ward Democratic Committeeman Fund details the inconsistencies between the balances on the D-2 Reports and the bank statements.
4. There were \$18,000 in cash withdrawals from the 1st Ward Democratic Committeeman Fund to Jesse Juarez between January 1 and June 30, 2012.
5. The testimony of Jesse Juarez that the withdrawals of \$18,000 were "street money" for political workers and each expenditure was under \$150 lacks credibility.
6. The bank records for the 1st Ward Democratic Committeeman Fund were introduced into evidence. However, Respondent denies knowledge as to the existence of any committee records.
7. Jesse Juarez made no effort to obtain any of the committee records for either the First Ward Organization or the 1st Ward Democratic Committeeman Fund from Brady Chalmers.
8. Jesse Juarez' testimony that he did not read the verification at the bottom of the D-2 Report and was unaware of the content lacks credibility.
9. Based on the lack of credibility of the testimony of Jesse Juarez and the absence of any committee records, it is doubtful each and every expenditure by the 1st Ward Democratic Committeeman Fund totaling \$18,000 between January 1 – June 30, 2012, was under \$150.
10. The bank account for the 1st Ward Democratic Committeeman Fund was closed as of September 30, 2012. Respondent, however, reported a balance of \$62,716.85 in 7 subsequent D-2 Reports.
11. Jesse Juarez was never instructed by the State Board of Elections to file inaccurate or false reports.

IV. RECOMMENDATION

It is the Recommendation of the Hearing Examiner that the Board issue the following Order:

1. The Respondent file missing reports and amendments, from 2009 to the present, within 30 days of the date of this Order, on behalf of the First Ward Organization.
2. The Respondent file amended reports within 30 days of the date of this Order, on behalf of the 1st Ward Democratic Committeeman Fund, to correct the inconsistencies between the filed D-2 Reports and the bank statements.
3. The staff of the State Board of Elections review any reports submitted by the First Ward Organization and/or the 1st Ward Democratic committeeman fund, pursuant to the Orders set forth in 1 and 2, above, to determine the assessment of fines and/or penalties.
4. The Board refers the matter to the Cook County State's Attorney and the Illinois Attorney General for review of possible criminal violations.

Respectfully submitted,



James Tenuto
Hearing Examiner

DATED: November 20, 2014

COMPLAINANT'S EXHIBITS

1. 1ST Ward Subpoenaed Records (on CD Rom) from MB Financial Bank.
2. Letter from Johanna Solecki at MB Financial dated August 2, 2014. Letter states no records in the name of First Ward Organization from January 1, 2009 to the present.
3. New Account Information for 1st Ward Democratic Committeeman Fund, dated 8-13-07. Signed by Jesse Juarez. New Century Bank.
4. Press Release dated 4-23-10 stating that New Century Bank was closed by the Illinois Department of Financial and Professional Regulation. To open as MB Financial.
5. Letter from Bert Schmitt dated 7-22-10 addressed to Andy Nauman. Termination of relationship between Schmitt (CPA) and Jesse Juarez.
- 5a. Copy of Capitol Fax article concerning death of Pat Botterman on 3-11-08.
6. D-2 for First Ward Organization for period 12-1-09 to 12-31-09.

Beginning Balance:	\$55,054.51	(1-1-09)
Funds Available:	\$55,054.51	(12-31-09)
7. D-2 FOR First Ward Organization for period 7-1-08 to 12-31-08

Beginning Balance:	\$60,754.51	(7-1-08)
Funds Available:	\$55,054.51	(12-31-08) *

(*Includes \$5,000 expenditures on 11-5-08 to JRJ Consultants and \$700 expenditures on 7-29-08 to Citizens for Suarez.)
8. D-2 FOR First Ward Organization for period 1-09-09 to 6-30-09

Beginning Balance:	\$43,716.70	(1-01-09)
Funds Available:	\$39,686.27	(6-30-09)

(Includes \$1,700 contribution on 3-23-09 from JRJ Consulting and \$270 in total fees paid to New Century Bank)
9. Bank statement from New Century Bank for 1st Ward Democratic Committeeman Fund. Period is June 1-30, 2009. Ending balance as of 6-30-09 is negative (-\$1,746.28)
10. D-2 FOR First Ward Organization for period 1-1-10 to 6-30-10.

Beginning Balance:	\$38,686.27	(1-1-10)
Funds Available:	\$40,636.27	(6-30-10)
11. Bank statement from New Century Bank for 1st Ward Democratic Committeeman Fund. Period is June 1-30, 2010. Ending balance as of 6-30-10 is \$374.85.
12. D-2 FOR 1st Ward Democratic Committeeman Fund for period 1-1-12 to 3-31-12

Beginning Balance:	\$40,986.27	(1-1-12)
Funds Available:	\$62,716.85	(3-31-12)

13. Bank statement from MB Financial for 1st Ward Democratic Committeeman Fund. Period is March 1-31, 2012.

Beginning Balance:	\$ 522.32	(3-1-12)
Funds Available:	\$ 1,971.77	(3-31-12)

Note various checks totaling \$4,000* in withdrawals on 3-31-12:

\$1,500 to Jesse Juarez

\$2,500 to Jesse Juarez

*\$4,000 for precinct workers on Election Day. No records as to who received \$4,000.00.

14. D-2 FOR 1st Ward Democratic Committeeman Fund for period 4-1-12 to 6-30-12.

Beginning Balance:	\$62,716.85	(4-1-12)
Funds Available:	\$62,716.85	(6-30-12)

15. Bank statement from MB Financial for 1st Ward Democratic Committeeman Fund. Period is June 1-30, 2012.

Beginning Balance:	\$ 124.79	(6-1-12)
Funds Available:	\$ 9.79	(6-30-12)

16. D-2 FOR 1st Ward Democratic Committeeman Fund for period 7-1-12 to 9-30-12.

Beginning Balance:	\$62,716.85	(7-1-12)
Funds Available:	\$62,716.85	(9-30-12)

17. Bank statement from MB Financial for 1st Ward Democratic Committeeman Fund. Period is September 1-30, 2012.

Beginning Balance:	\$ -20.21	(9-1-12)
Misc. Credits:	\$ 20.21	

ACCOUNT CLOSED 9-30-12 FOR 1ST Ward Democratic Committeeman Fund.

18. D-2 FOR 1st Ward Democratic Committeeman Fund for period 10-1-12 to 12-31-12.

Beginning Balance:	\$62,716.85	(10-1-12)
Funds Available:	\$62,716.85	(12-31-12)

19. D-2 FOR 1st Ward Democratic Committeeman Fund for period 1-1-13 to 3-31-13.

Beginning Balance:	\$62,716.85	(1-1-13)
Funds Available:	\$62,716.85	(3-31-13)

20. D-2 FOR 1st Ward Democratic Committeeman Fund for period 4-1-13 to 6-30-13.

Beginning Balance:	\$62,716.85	(4-1-13)
Funds Available:	\$62,716.85	(6-30-13)

21. D-2 FOR 1st Ward Democratic Committeeman Fund for period 7-1-13 to 9-30-13.

Beginning Balance:	\$62,716.85	(7-1-13)
Funds Available:	\$62,716.85	(9-30-13)

22. D-2 FOR 1st Ward Democratic Committeeman Fund for period 10-1-13 to 12-31-13.

Beginning Balance:	\$62,716.85	(10-1-13)
Funds Available:	\$62,716.85	(12-31-13)

23. D-2 FOR 1st Ward Democratic Committeeman Fund for period 1-1-14 to 3-31-14.

Beginning Balance:	\$62,716.85	(1-1-14)
Funds Available:	\$62,716.85	(3-31-14)

24. D-2 FOR 1st Ward Democratic Committeeman Fund for period 4-1-14 to 6-30-14.

Beginning Balance:	\$62,716.85	(4-1-14)
Funds Available:	\$62,716.85	(6-30-14)

25. Bank statement from MB Financial for 1st Ward Democratic Committeeman Fund. Period is January 1-31, 2012.

Beginning Balance:	\$ -13.07	(1-1-12)
+ Deposits	\$6,925.00	
- Checks	\$5,630.77 *	
- Misc Debits	\$1,711.00	
Ending Balance	- 429.84	(1-31-12)

* There was a \$2,500 check to Jesse Juarez on 1-18-12.

26. Bank statement from MB Financial for 1st Ward Democratic Committeeman Fund. Period is February 1-29, 2012.

Beginning Balance:	\$ 429.84	(2-1-12)
+ Deposits	\$7,553.55	
+ Transfer	\$ 500.00	
- Checks	\$5,300.00 *	
- Misc Debits	\$1,801.50	
Ending Balance	\$ 522.21	(2-29-12)

* There were 2 checks to Jesse Juarez:

2-27-12	\$1,600.00
2-29-12	\$ 250.00

27. Bank statement from MB Financial for 1st Ward Democratic Committeeman Fund. Period is May 1-31, 2012.

Beginning Balance:	\$ -208.23
+ Deposits	\$3,000.00
- Checks	\$2,527.48 *
- Misc Debits	\$ 139.00
Ending Balance	\$ 124.79

* There was a \$200 check to Jesse Juarez on 5-31-12.

ALL OF THE COMPLAINANT'S 27 EXHIBITS WERE ADMITED INTO EVIDENCE

D-2 Reports v. Bank Statements for the 1st Ward Democratic Committeeman Fund

PERIOD	EXHIBIT	D-2 BALANCE REPORTED	EXHIBIT	BALANCE BANK STATEMENT
1-1-09 to 6-30-09				
1/1/2009	8	43,716.70		
6/30/2009	8	38,686.27	9	6-30-2009 -1,746.28
1-1-10 to 6-30-10				
1/1/2010	10	38,686.27		
6/3/2010	10	40,636.27	11	6-30-2010 374.85
1-1-12 to 3-31-12				
1/1/2012	12	40,986.27	25	1-31-2012 -13.07
			25	1-31-2012 -429.84
			26	2-29-2012 522.21
3/31/2012	12	62,716.85	13	3-31-2012 1,971.17
4-1-12 to 6-30-12				
4/1/2012	14	62,716.85	13	3-31-2012 1,971.77
			27	5-1-2012 -208.73
			15	6-1-2012 124.79
6/30/2012	14	62,716.85	15	6-20-2012 9.79
7-1-12 to 9-30-12				
7/1/2012	16	62,716.85	17	9-1-2012 -20.21
9/30/2012	16	62,716.85	17	9-30-2012 -0-

1st WDCF CLOSED 9/30/2012 2012

D-2 Reports v. Bank Statements for the 1st Ward Democratic Committeeman Fund

10-1-12 to 12-31-12	10/1/2012	18	10/1/2012	62,716.85	NA	NA
	12/31/2012	18	12/31/2012	62,716.85	NA	NA
1-1-2013 to 3-31-2013	1/1/2013	19	1-1-2013	62,716.85	NA	NA
	3/31/2013	19	3-31-2-13	62,716.85	NA	NA
4-1-13 to 6-30-13	4/1/2013	20	4-1-2013	62,716.85	NA	NA
	6/30/2013	20	6-30-2013	62,716.85	NA	NA
7-1-13 to 9-30-13	7/1/2013	21	7-1-2013	62,716.85	NA	NA
	9/30/2013	21	9-30-2013	62,716.85	NA	NA
10-1-13 to 12-31-13	10/1/2013	22	10-1-2013	62,716.85	NA	NA
	12/31/2013	22	12-31-2-13	62,716.85	NA	NA
1-1-14 to 3-31-14	1/1/2014	23	1-1-2014	62,716.85	NA	NA
	3/31/2014	23	3-31-2014	62,716.85	NA	NA
4-1-14 to 6-30-14	4/1/2014	24	4-1-2014	62,716.85	NA	NA
	6/30/2014	24	6-30-2014	62,716.85	NA	NA

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

In the Matter of:

<i>Reyes v. First Ward Organization</i>)	14 CD 005
<i>and Jesse Juarez</i>)	
)	
and,)	
)	
<i>Reyes v. 1st Ward Democratic</i>)	14 CD 006
<i>Committeeman Fund and Jesse Juarez</i>)	

RESPONDENTS' OBJECTIONS TO RECOMMENDATION
OF THE HEARING EXAMINER TO THE GENERAL
COUNSEL FOLLOWING PUBLIC HEARING

Respondents, First Ward Organization, 1st Ward Democratic Committeeman Fund, and Jesse Juarez, by their attorney, Francis Ostian, hereby collectively submit their objections to the recommendation of the Hearing Examiner to the General Counsel following public hearing as follows:

General Objection

Complainant, Edwin Reyes, in cases 14 CD 005 and 14 CD 006, failed to personally appear at the public hearing depriving respondents the opportunity to examine Mr. Reyes under oath regarding the complaints he ostensibly filed against respondents. Both complaints contain verifications wherein Mr. Reyes swore under oath that the complaints, and any accompanying schedules and statements were examined by Mr. Reyes and were to the best of his knowledge and belief true and correct complaints as required by Article 9 of the election code. Respondents were deprived of the opportunity to examine Mr. Reyes about the complaints because Mr. Reyes never showed up at any of the hearing dates. This failure on the part of Mr. Reyes to appear personally deprived respondents a fair and meaningful opportunity to cross examine the complaining party rendering the entire proceedings fundamentally unfair.

Objections to Findings of Fact

Objection to Finding of Fact # 5: The Hearing Examiner found that the testimony of Jesse Juarez that withdrawals of \$18,000.00 were "street money" for political workers and each expenditure was under \$150.00 lacked credibility. Respondents object to this finding of fact as it is conclusory, and not supported by any rationale, thus rendering the finding of fact, arbitrary, and not sufficient as a matter of law.

Objection to Finding of Fact # 7: This Finding of Fact is incomplete. Mr. Juarez made effort to get bank records, and this effort and the circumstances surrounding his efforts was made known at the hearing.

Objection to Finding of Fact # 8. Mr. Juarez' testimony would be more fairly characterized as Juarez not being fully engaged in the portent of his executing of documents.

Objection to Finding of Fact # 9. The Hearing Examiner conclusorily states that "it is doubtful each and every expenditure by the 1st Ward Democratic Committeeman Fund totaling \$18,000.00 between January 1-June 30, 2012, was under \$150.00." This statement is speculation.

Objection to Finding of Fact # 11. This Finding of Fact is incomplete. Mr. Juarez executed the campaign reports on what he thought was advice of the State Board of Elections to keep filing reports to avoid increasing fines.

Objections to Recommendations

Respondents object to recommendation # 4. Mr. Juarez was not executing campaign reports with the intention to thwart campaign laws, or violate criminal laws. Mr. Juarez executed the campaign reports on what he thought was advice of the State Board of Elections to keep filing reports to avoid increasing fines.

Respectfully submitted,



First Ward Organization
1st Ward Democratic Committeeman Fund, and
Jesse Juarez, by their attorney, Francis Ostian

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

In the Matter of:

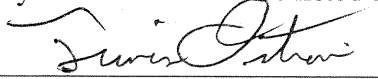
<i>Reyes v. First Ward Organization</i>)	14 CD 005
<i>and Jesse Juarez</i>)	
)	
and)	
)	
<i>Reyes v. 1st Ward Democratic</i>)	14 CD 006
<i>Committeeman Fund and Jesse Juarez</i>)	

CHICAGO
2014 DEC -9 AM 9:55
STATE BOARD OF ELECTIONS

NOTICE OF FILING

TO: James Tenuto, Hearing Examiner Richard Means
Via Email: JTenuto@elections.il.gov Via Email: Means806@comcast.net

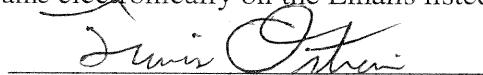
Please be advised that on December 9, 2014, I filed with the Office of the General Counsel of the State Board of Elections of the State of Illinois in the Chicago Office, Respondents' objections to the Recommendation of the Hearing Examiner To The General Counsel Following Public Hearing in Cases 14 CD 005 and 14 CD 006, a copy of same having been served on the Attorney of Record of the complaining party, and the Hearing Examiner, both by Email to the emails listed above.



Francis Ostian, One of Respondents' attorneys
8770 W. Bryn Mawr, Suite 1300
Chicago, IL 60631
312-498-4878

PROOF OF SERVICE

I, Francis Ostian, an Illinois licensed attorney, certify under oath that I served a copy this Notice of Filing, Proof of Service and attached Respondents' Objections pertaining to the above-captioned matter, on the parties listed above by serving same electronically on the Emails listed above



STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
Edwin Reyes,)
 Complainant(s),)
 vs.)
)
First Ward Organization,)
 Respondent(s).)

14 CD 005

ORDER

TO: Edwin Reyes First Ward Organization
 2738 North Mozart Street 1075 N. Marshfield Avenue
 Chicago, IL 60618 Chicago, IL 60622

This matter coming to be heard this 17th day of June, 2014 following a Closed Preliminary Hearing of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the respondent(s) violated 10 ILCS 5/9-10 & 5/9-11 in that the Respondent committee failed to timely file the December 2013 Quarterly Report of Campaign Contributions and Expenditures and failed to file a complete and accurate report; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises.

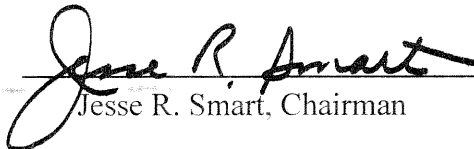
THE BOARD FINDS:

1. In regards to the allegation that the Respondent failed to file any reports since the December 2009 Semi-annual report, the complaint was filed on justifiable grounds; and
2. In regards to the allegation that the Respondent failed to file a complete report, the complaint was not filed upon justifiable grounds due to the fact that the report has not yet been filed.

IT IS HEREBY ORDERED:

1. The recommendation of the Hearing Officer and the General Counsel is adopted in part; and
2. That a Public Hearing be held in regards to the first allegation, and
3. In regards to the second allegation, that the complaint is dismissed and no further action is required, and
4. The effective date of this Order is June 20, 2014.

DATED: 6/20/2014


Jesse R. Smart, Chairman

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
Edwin Reyes,)
 Complainant(s),)
 vs.)
)
First Ward Organization,)
 Respondent(s).)

14 CD 005

ORDER

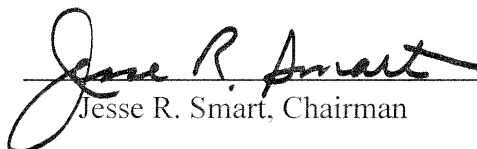
TO: Edwin Reyes	First Ward Organization
2738 North Mozart Street	1075 N. Marshfield Avenue
Chicago, IL 60618	Chicago, IL 60622

This matter coming to be heard this 17th day of March, 2014 following a Closed Preliminary Hearing of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the respondent(s) violated 10 ILCS 5/9-10 & 5/9-11 in that the Respondent committee failed to timely file the December 2013 Quarterly Report of Campaign Contributions and Expenditures and failed to file a complete report; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises.

IT IS HEREBY ORDERED:

1. The matter is continued the April 2014 meeting of the State Board of Elections for the purpose of a status update; and
2. The record shall remain open for purposes for receiving additional material relative to the complaint, and
3. The effective date of this Order is March 19, 2014.

DATED: 3/19/2014


Jesse R. Smart, Chairman

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

Edwin Reyes

Complainant

Vs.

Board File # 14 CD 005

First Ward Organization #18390

Jesse Ruben Juarez

Respondent

REPORT OF HEARING OFFICER

This hearing was held as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1, et seq. hereafter referred to as the Act) alleging that the Respondents violated 10 ILCS 5/9-10, and 5/9-11. Specifically, the First Ward Organization failed to timely file the quarterly report for the 4th quarter of 2013 and failed to file a complete report. *Edwin Reyes v. First Ward Organization and Jesse Ruben Juarez*, see attached.

STATES EXHIBITS

To be made a part of this report, a copy of the D-4, Complaint for Violation of the Campaign Disclosure Act, filed on February 6, 2014 at the Board's Springfield office, 2329 S MacArthur Blvd., Springfield, IL 62704; Notice and Summons regarding the Complaint; Notice of the Closed Preliminary Hearing to be conducted in the matter, Wednesday, February 26, 2014 at the Illinois State Board of Elections Office, 100 W. Randolph St., Suite 14-100, Chicago, IL, 60601.

ADDITIONAL INFORMATION

Following the Closed Preliminary Hearing Mr. Juarez arrived at the State Board of Elections. Mr. Juarez apologized that he was late for the hearing and he requested the hearing be continued because he had retained an attorney, Francis Ostian, and his attorney could not attend the hearing on that day. Furthermore, he stated that he thought the hearings were scheduled for 11:00 A.M. and 11:30. A.M. Mr. Juarez also stated that he does not believe he had proper notice in this matter. A process server gave him one envelope which contained both notices and he stated that he only saw the notice for a hearing scheduled at 10:30 A.M. In response Mr. Means stated that the Closed Preliminary Hearings had already concluded and neither Mr. Juarez nor his attorney was present and in any event the attorney has no appearance on record for this case. Mr. Means stated that Mr. Juarez had an opportunity to be present at the Closed Preliminary Hearing and for whatever reason he did not appear. The Hearing Officer informed the parties that the hearing had been delayed more than 20 minutes before the hearing was started and no notice was given to the hearing officer that the Respondent was going to be late or that a continuance was going to be requested. The Respondent did receive the Notice informing him of the date, time and location of the hearing and if a continuance was needed, the Respondent should have informed the Hearing Officer prior to the scheduled date of the hearing. The Hearing Officer gave the Respondent an appearance form for Mr. Ostian to complete and instructed him to have the appearance form sent to the hearing officer if he is going to be representing him going forward. The Hearing Officer also informed Mr. Juarez that if he or his attorney would like any information regarding the proceeding that took place that they should let him know.

COMPLAINANTS CASE -IN-CHIEF

The Complainant was represented by Richard Means. Mr. Means stated that for jurisdictional purposes he believes Jesse Ruben Juarez was served. The complaint was mailed to Mr. Juarez by first class mail (which was not returned as undeliverable) as well as by certified mail. Mr. Means introduced Exhibit 1, which was a U.S. Postal Service certified mail receipt dated 2/6/14. Mr. Means stated that he had not received a delivery receipt for the certified letter and he presumes that he will not receive one because the letter will presumably be refused or go unclaimed. Mr. Means believes that under the Rules and Regulations of the Board they have presumptively good service. Mr. Means went on to say that he understands a process server delivered a notice to the Respondent showing the hearing was scheduled for today at 10:00 A.M. Mr. Means noted that neither Mr. Juarez nor a person representing him appeared at the delayed hearing. Mr. Means introduced Exhibit 2, which was a print out from the State Board of Elections website from 2/25/14 showing the First Ward Organization's most recently filed documents. Mr. Means stated that Exhibit 2 shows the Committee has not filed a report since it filed the December 2009 Semi-Annual Report on 1/22/10. He went on to say that the Board has found this Committee in default of its filing obligations and assessed civil penalties in the amount of \$11,300. Mr. Means stated that the First Ward Organization failed to file the December 2013 Quarterly Report which should have been filed by 1/15/14. Mr. Means requests that the Board find the Complaint was filed on justifiable grounds and order a public hearing. Mr. Means believes that in a public hearing Mr. Juarez would be given an opportunity to address the charges. He went on to say that additional civil penalties should be assessed, and further requested that the State Board of Elections petition the Circuit Court for an order to enforce collections on civil penalties which the Board has not done since 2004. Mr. Means believes this case shows how the Board's pattern of inaction for 10 years has been in error since this Committee continues to delinquent file reports with no real consequences. In conclusion, Mr. Means noted that the Board has been successful in collecting civil penalties in relation to candidate committees because a candidate can face ballot forfeiture however the Board lacks a similar mechanism to use on other types of committees such as this one.

RESPONDENTS CASE-IN-CHIEF

Jesse Ruben Juarez, the chairman and treasurer of the First Ward Organization, did not attend the closed preliminary hearing that was scheduled for 10:00 A.M. but commenced at 10:46 A.M. Please note the Additional Information paragraph above.

CONCLUSIONS AND RECOMMENDATIONS

The Respondent was not present at the Closed Preliminary Hearing however he appeared after the hearing had been concluded and requested that the hearing be rescheduled. The Hearing Officer denied the request because the hearing had already been conducted and the Respondent had ample notice of when the hearing was scheduled. (It should be noted that the State Board of Elections had a process server deliver the notice to Mr. Juarez.) Furthermore, the hearing officer does not believe that a continuance of this hearing would have any effect on whether the complaint was filed on justifiable grounds or not because the report has not been filed. In relation to the First Ward Organization failing to file the December 2014 Quarterly Report I recommend based upon the failure to file the required document and the fact that the Committee has not filed a report since January of 2010 that the complaint be found to have been filed on justifiable grounds and the matter proceed to public hearing. In relation to the alleged violation that the First Ward Organization failed to file a complete report I recommend the complaint be found not to have been filed on justifiable grounds because the hearing officer is of the opinion that a report must first be filed before it can be determined if the report was complete or not. Therefore, I recommend that no action is taken in regard to this alleged violation and this matter not proceed to a public hearing. As for the Respondent's request to petition the Court for collection of the civil penalty, I believe that is an issue for the Board to decide.



Andy Nauman – Hearing Officer
March 3, 2014



FORM

D-4

COMPLAINT FOR VIOLATION OF
THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS AND TELEPHONE NUMBER:

Edwin Reyes
2738 North Mozart Street
Chicago, Illinois
Attorney Richard K. Means telephone 708-386-1122

STATE BOARD OF ELECTIONS
14 FEB -7 AM 10:46

vs.

No. 14C 0005

NAME AND ADDRESS OF RESPONDENT:

First Ward Organization (18390) Jesse Ruben Juarez
1075 N. Marshfield Avenue 1075 North Marshfield
Chicago, Illinois 60622 Chicago, Illinois 60622

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE ☒ STATE BOARD OF ELECTIONS, ☐ COUNTY CLERK, OR ☐ NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)
9-10 failure to timely file reports and 9-11 failure to file complete reports

SECTION 3. STATE THE NATURE OF THE OFFENSE(s) OR VIOLATION(s), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)
Respecting 4th quarter 2013

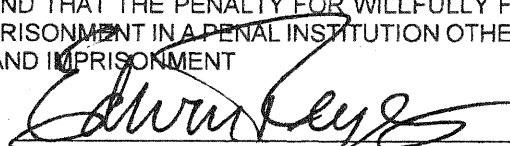
SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

January 21, 2014

DATE



SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

I, Richard K. Means HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

First Ward Organization (18390) Jesse Ruben Juarez
1075 N. Marshfield Avenue 1075 North Marshfield
Chicago, Illinois 60622 Chicago, Illinois 60622

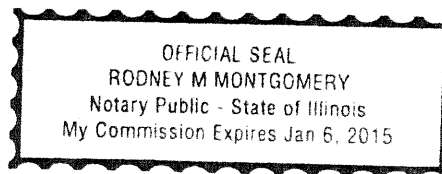
a) BY PERSONALLY DELIVERING THE SAME ON THE ____ DAY OF _____, 2013 AT ____ O'CLOCK ____ M.

b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 6th DAY OF Feb. 2014 AT THE ~~MAIL BOX~~ OR POSTAL STATION LOCATED AT: RIVER FOREST, ILL

1st class AND Certified


SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 6th DAY OF February, 2014
Rodney M. Montgomery
NOTARY PUBLIC



INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS
1020 S SPRING ST
SPRINGFIELD, ILLINOIS 62704-2924

STATE BOARD OF ELECTIONS
100 W RANDOLPH ST, STE 14-100
CHICAGO, IL 60601-3232

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

In the Matter of:

Corey Johnson,)	
Complainant,)	
)	
)	14 CD 109
vs.)	
)	
Kane County Conservative Coalition,)	
Respondent.		

**RECOMMENDATION OF THE HEARING EXAMINER
TO THE GENERAL COUNSEL FOLLOWING
PUBLIC HEARING**

I. INTRODUCTION

A. The Complaint

The Complaint alleges that Respondent, Kane County Conservative Coalition, ("KCCC"), helped prepare and distribute a mailer which was critical of Debbie Gillette, who was running against Don Koukol in the March 2014 Republican Primary for Kendall County Clerk and Recorder. The complaint further alleges that the mailer had improper attribution and that the income/expenditures associated with the mailer should have been reported on the KCCC quarterly financial statement filed on 3/31/14.

B. Procedural Background

The Complaint was initially filed by Complainant, Corey Johnson, on June 10, 2014. The State Board of Elections ("SBE") thereafter appointed James Tenuto Hearing Examiner to conduct a Closed Preliminary Hearing.

On July 9, 2014, Mr. Tenuto found that the Complaint was filed upon justifiable grounds and recommended that a Public Hearing be conducted.

The General Counsel agreed with Mr. Tenuto's recommendation and, on September 4, 2014, the SBE appointed Philip Krasny to be the Hearing Examiner and conduct a Public Hearing.

An initial case management conference was held on September 26, 2014. The Complainant was represented by Josiah Groff. The Respondent, KCCC, was represented by its chairman, Jon Zahm.

Following an initial case management conference, the Respondent filed a motion to reconsider Mr. Tenuto's recommendation, as well as a Motion to Dismiss, both of which were denied.

The parties thereafter engaged in discovery, which included written interrogatories, document production and the issuance of subpoenas for documents and evidence depositions.

On October 28, 2014, the law firm of Ancel Glink appeared on behalf of Respondent. However, on November 7, 2014, Ancel Glink withdrew as Respondent's attorney.

The Public Hearing was commenced on December 3, 2014. Complainant was represented by Josiah Groff. The KCCC was represented by its chairman, Jon Zahm. At the December 3, 2014 hearing, Complainant introduced several exhibits. Complainant also questioned Jon Zahm under oath and presented the evidence depositions of Daniel Koukol and Philip Elizondo.

The matter was continued to December 18, 2014 for further evidence. At the December 18, 2014 hearing, Complainant introduced additional exhibits, including the evidence deposition of George "Jerry" Bannister. Respondent introduced two exhibits.

II. EVIDENCE

A. Testimony

1. Daniel Koukol

Daniel Koukol ran against Debbie Gilbert in the March 2014 Republican primary for Kendall County Clerk and Recorder. He acknowledged that he wrote a check for \$2,940 to Philip Elizondo [Premier Mailing and Printing] to cover the costs of a mailer that was sent to prospective voters. (Exhibit D). The attribution on the mailer stated it was paid for by the "Kane County Taxpayers for Good Government" ("KCTGG"). (Exhibit C).

Although Koukol had "a pac" [political action committee]¹, his campaign did not pay for the mailer. Rather, he paid the \$2,940 to Philip Elizondo with a check drawn on the North Community Bank (See Exhibit D). He did not recall who told him to pay the \$2,940; however, it was not Jon Zahm. Further, he did not recall why he paid \$2,940, when the invoice was for \$2,937.29.

Koukol acknowledged that he knew the mailer was sent out and that his e-mail address [ktractor69@gmail.com] was on a series of e-mails between Jon Zahn and Jerry Bannister in which the mailer was discussed. However, he testified he never reviewed the mailer nor approved it.

¹ A search of the SBE's data base shows that "Friends of Dan Koukol" was created on 1/28/14. The D-1 stated that its purpose was "to elect Dan Koukol to office of Kendall County clerk/recorder". On 4/4/14 the committee filed a D-2 quarterly report for the period of inception to 3/31/14 (See pertinent documents, including D-1 and D-2, attached hereto)

Koukol has known Zahm for several years and had met him at political functions. Koukol did not know any details about the KCCC, but was aware that KCCC endorsed certain candidates.

Koukol did not believe that the KCTGG existed, or, if it did exist, it existed only for the printing/distribution of the mailer. Further, he did not know anyone affiliated with KCTGG.

Koukol was unaware of any agreement between KCCC and KCTGG. When asked why the KCCC and KCTGG had the same post office number, Koukol testified that they may have been sharing resources.

Koukol further acknowledged that if you spend "\$2,500 or something and then you've got to open a pack and then start doing---keeping books and board members and all kind of stuff"

2. Philip Elizondo Jr.

Philip Elizondo Jr. is the owner of Premier Mailing Services Inc. Elizondo acknowledged that he received e-mails regarding the printing and mailing of the mailer at issue.

A March 7, 2014 invoice for the printing and mailing of the mailer, in the amount of \$2,937.29, was issued by Premier Mailing and Printing and sent to Kendall County Taxpayers for Good Government at PO Box 4, Batavia, Illinois. (Exhibit E) Daniel Koukol paid the invoice by check on or about March 10, 2014. The check, in the amount of \$2,940, had "1066 tractor" written on the memo line. (Exhibit D).

Elizondo knew Daniel Koukol and had done other printing jobs for him. He also knew Jerry Bannister. He had never met Jon Zahm, never had a conversation with him, nor received a phone call from him. He never heard of the KCCC. Other than the mailer, Elizondo had no knowledge of the KCTGG.

3. Jon Zahm

Jon Zahm is a political consultant and has been involved in political campaigns since 1987. As a consultant, he provides information on election compliance, strategy, communications, and volunteer organizations. He has worked on approximately 25 campaigns over 10 years. He acknowledged that election work is his primary paid employment.

KCCC was formed in 2002 and Zahm has been its sole representative since 2004. He identified the KCCC's D-1 statement of organization (Exhibit G).²

² According to the D-1, the purpose of the committee was "to support men and women for public office who best represent conservative social and fiscal values while conducting themselves ethically and responsibly"

Zahm was familiar with the March 18, 2014 primary race between Dan Koukol and Debbie Gillette for the position of Kendall County Clerk. Zahm has known Koukol since the late 1980's and personally supported Koukol over Gillette in the primary.

Zahm knew Bannister for about 5 years and believed Bannister was working on Dan Koukol's campaign for county clerk.

Zahm was familiar with the mailer at issue and acknowledged that there was a series of e-mails between himself and Jerry Bannister regarding the mailer. The mailer sent out to voters was an iteration of an earlier e-mail that Bannister sent Zahm. Zahm made adjustments to that mailer before sending it to Phil Elizondo to be printed. (E-mail exhibits H, I and J include all the communications Zahm had regarding the mailer).

Exhibit H includes an e-mail to ktractor69@gmail.com, who was Dan Koukol.

Zahm acknowledged that in an e-mail he sent to Bannister, Zahm suggested that Bannister obtain a PO Box in Kendall County, that the mailer be launched from Kendall County, and that it be called the Kendall County Taxpayers for Good Government. (See Exhibit H).

Zahm acknowledged that in an e-mail from Bannister, Bannister told Zahm to "remember to scrub my info off", which Zahm understood meant that Bannister did not want identification of his name or e-mail address attached to it when forwarded to Elizondo. (Exhibit I). Zahm acknowledged that he followed Bannister's directions and scrubbed Bannister's info off before forwarding it to Elizondo to be printed.

Zahm also acknowledged that, Bannister provided Zahm with the data base to which the mailer should be sent and that Zahm forwarded that data base to Elizondo.

Zahm further acknowledged that he sent an e-mail to Bannister on March 6, 2014, wherein he said "someone run a money order to him in my name to pay for it" (Exhibit J).

Zahm testified he suggested that he pay for the mailer with a money order because Bannister didn't want to be linked to the mailer and, since the cost of the mailing was going to be under \$3,000, "it was within the law for the mailing to be undisclosed financially". However, Zahm testified that he never was given a money order nor did he contribute towards the payment of the mailer.

Zahm testified that KCCC filed a quarterly statement for the period ending on 4/30/14 but did not report the money received, or expenditures made for the mailer.

Zahm opined that Dan Koukol and Jerry Bannister were representatives of the KCTGG.

The address on the mailer, PO Box 4, Batavia Illinois, has been KCCC's address since 2010. Zahm is the only person who has a key to the post office box

KCCC doesn't have a bank account, it operates in cash. KCCC did not receive any compensation for allowing KCTGG to use its PO Box

Zahm denied being compensated for the work he had done on the mailer. Rather, he voluntarily performed the work on the mailer because of his friendship to Dan Koukol.

4. **George "Jerry" Bannister**

George Bannister had known Jon Zahm for a few years. He was aware that Zahm was a political consultant. He was not familiar with KCCC.

Bannister had known Dan Koukol for several years "through politics".

Bannister worked with Zahm in support of the candidacy of Koukol in his March primary against Gillette.

Bannister was not compensated for his help in Koukol's campaign, which included sending out a "positive" mailer, which had the attribution "Friends of Dan Koukol" printed on it. (See pages 19-20 of Exhibit A). The "positive" mailer was printed by Philip Elizondo.

Bannister was familiar with the "third party" mailer at issue, and testified that it was intended to appear as though it was not coming from Koukol's campaign. He acknowledged that he sent the initial draft of the mailer to Zahm for his input because Zahm had familiarity with political campaigns. Bannister did not recall if it was his idea, or Don Koukol's idea, to seek help from Zahm.

Bannister acknowledged sending and receiving the e-mails in exhibits H, I and J.

Bannister acknowledged that Zahm had suggested the name KCTGG. Other than the e-mails, Bannister did not know if Zahm was a member of the KCTGG

Although Bannister placed the name KCTGG on the mailer, he denied any involvement with KCTGG. He denied knowing anyone involved with the KCTGG. He did not know if Zahm was a member of KCTGG. He denied knowing if KCTGG had employees, representatives, bylaws or a constitution. He denied knowing if KCTGG ever had a meeting. He further denied knowing any connection between KCCC and KCTGG.

Bannister was unaware of how, or who, paid for the mailer. The subpoena he received in this case, had several exhibits attached to it, including the invoice (Exhibit E) and the check paid for the invoice (Exhibit D). Prior to Bannister receiving the subpoena, he had never seen the invoice or the check.

Bannister was unaware of KCCC or Zahm paying for the mailer. He denied telling Koukol to pay for the mailer or discussing with Koukol how the mailer should be paid.

Bannister denied knowing that KCCC owned PO Box 4, Batavia Illinois. He denied ever having a key to the PO Box. He agreed that he had discussions with Zahm about using that PO Box on the mailer. Bannister was unaware if KCTGG had any other PO Box other than PO Box 4, Batavia Illinois.

A. Exhibits

1. Complainant's Exhibits

The following exhibits were submitted by Complainant in its case in chief. Respondent objected to a summary of a newspaper article, which was part of the original complaint filed by Complainant as part of the original complaint.

- A. Order of Closed Preliminary Hearing and Original Complaint
- B. Notice of Public Hearing
- C. Kendall County Taxpayers for Good Government Mailer
- D. Daniel P. Koukol Check for \$2,940.00
- E. Premier Mailing & Printing Invoice
- F. First Quarter 2014 D-2 Report from KCCC
- G. D-1 Report from Kane County Conservative Coalition
- H. Email Chain No.1 (redacted)
- I. Email Chain No.2 (redacted)
- J. Email Chain No.3 (redacted)
- K. Complainant's First Set of Interrogatories and First Request to Produce
- L. Respondent's Answers to Complainant's First Set of Interrogatories and First Request to Produce
- M. Email of November 21, 2014 from Jon Zahm to Josiah A. Groff
- N. Subpoena *Duces Tecum* to Kendall County Taxpayers for Good Government
- O. Answer to Subpoena *Duces Tecum* to Kendall County Taxpayers for Good Government
- P. Motion to Quash Various subpoenas and Motion to sustain Objections to Certain Requests to Produce, Interrogatories, Request to Admit, and Other Discovery Requests
- Q. Respondent's Motion to Reconsider the Recommendation of the Hearing Examiner to the General Counsel Sending this matter to Public Hearing and to Rest and Hold a New closed Preliminary Hearing
- R. Subpoena for Evidence Deposition to Jerry Bannister
- S. Subpoena for Evidence Deposition to Philip W. Elizando, Jr.
- T. Transcript of Evidence Deposition of Philip W. Elizando, Jr.
- U. Subpoena for Evidence Deposition to Daniel Koukol
- V. Evidence deposition of Daniel Koukol
- W. Subpoena for Testimony to Jerry Bannister
- X. Transcript of Evidence Deposition of George Gerald "Jerry" Bannister
- Y. Email Chain No.4
- Z. Email Chain No.5 (with attachment)
- AA. Email Chain No.6 (with attachment partially redacted)
- BB. Email Chain No.7 (with attachments)
- CC. Email Chain No.8

DD Email No.9
EE Email Chain No. 10

2. Respondent's Exhibits

Respondent submitted two exhibits; Exhibit #1 was a payment history of PO Box 4 Batavia Illinois, in the name of Kane County Conservative Coalition; Exhibit 2 was an Illinois opinion in case 97 C 27, entitled *Renike v. Illinois State Board of Elections*.

III. PERTINENT STATUTES

"Disclosures in political communications"

(a) Any political committee, organized under the Election Code, that makes an expenditure for a pamphlet, circular, handbill, Internet communication, radio, television, or print advertisement, or other communication directed at voters and mentioning the name of a candidate in the next upcoming election shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication as the payor....

(b) any political committee, organized under this Code, that makes an expenditure for a pamphlet, circular, handbill, internet or telephone communication, radio, television or print advertisement, or other communication directed at voters and (i) mentioning the name of a candidate in the next upcoming election, without the candidate's permission...shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication. 10 ILCS 5/9-9.5. (West 2010).

"Electioneering communication," as a "broadcast, cable, or satellite communication, including radio, television, or Internet communication, that (1) refers to *** (iii) a clearly identified question of public policy that will appear on the ballot, (2) is made within (I) 60 days before a general election or consolidated election or (ii) 30 days before a primary election, (3) is targeted to the relevant electorate, and (4) is susceptible to no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate, *** a political party, or a question of public policy." 10 ILCS 5/9-1.14(a) (West 2010).

"Disclosure of contributions and expenditures"

(a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county

clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section. 10 ILCS 5/9-10

IV. COMPLAINANT AND RESPONDENT'S POSITIONS

A. Complainant's Position

Complainant argues that the facts establish that the "creation" of the KCTGG as a separate entity was a fiction, intended to manipulate a loophole in the Election Code. Complainant posits that the KCTGG is not a separate entity from the KCCC. Rather, the KCTGG is the "alter-ego"³ of KCCC. In essence, Complainant's position is that that KCCC's activity in this case violated the spirit and the letter of the campaign disclosure laws. He contends the state legislature enacted campaign disclosure legislation to promote transparency in political campaigns and not to allow for political action committees and their political operatives to create "one time only" shadow committees for engaging in negative attacks behind the cloak of secrecy. The "skirting of the law", he contends, is exactly the kind of violation that the Illinois State Board of Elections is empowered to address.

B. Respondent's Position

The Respondent, on the other hand, does not dispute the facts, but argues that anonymous political speech is consistent with the First Amendment of the United States Constitution. He further posits that there is nothing inherently or legally wrong with not reporting the formation of a political committee which advocates for or against a candidate and, as long as the expenditures fall below the threshold reporting requirements, it is unnecessary for a political committee to file a Statement of Organization with the SBE.

V. DISCUSSION

The statutory reporting requirements in the Election Code are intended to preserve the integrity of the electoral process by requiring full public disclosure of the sources and amounts of campaign contributions and expenditures. *Walker v. State Board of Elections*, 72 Ill. App. 3d 877, 881, 391 N.E.2d 507, 510 (1979). The legislature intended for Illinois citizens to be

³ "Alter-Ego" is also known as piercing the corporate veil and is applicable "where: (1) there is such a unity of interest and ownership that the separate personalities of the corporation and the parties who compose it no longer exist, and (2) circumstances are such that adherence to the fiction of a separate corporation would promote injustice or inequitable circumstances." *Tower Investors*, 371 Ill. App. 3d at 1033-34.

In determining whether the first prong is satisfied, courts will examine many factors, including "(1) inadequate capitalization; (2) failure to issue stock; (3) failure to observe corporate formalities; (4) nonpayment of dividends; (5) insolvency of the debtor corporation; (6) nonfunctioning of the other officers or directors; (7) absence of corporate records; (8) commingling of funds; (9) diversion of assets from the corporation by or to a stockholder or other person or entity to the detriment of creditors; (10) failure to maintain arm's-length relationships among related entities; and (11) whether, in fact, the corporation is a mere façade for the operation of the dominant stockholders." *Gass v. Anna Hospital Corp.*, 392 Ill. App. 3d 179, 186 (2009)

Under the second prong, i.e.; that adherence to the fiction of a separate corporation would promote injustice or inequitable circumstances, the issue is whether there is some unfairness, such as fraud or deception, or the existence of a compelling public interest that justifies piercing. *Fontana*, 362 Ill. App. 3d at 507.

informed of the total contributions received and expended by a political committee, the names of significant contributors and of individuals to whom a political committee is indebted. *Walker*, 72 Ill. App. 3d at 881, 391 N.E.2d at 510.

However, while the purpose of the Code's campaign finance disclosure is to mandate the filing of reports listing the source and amount of campaign contributions and expenditures 10 ILCS 5/9-10 et seq. (See *Republican Party v. Board of Elections*, 188 Ill. 2d 70, 74, 720 N.E.2d 231 (1999), "the Code effectively promotes the goals of candor and openness underlying these substantive provisions"), the need for candor and openness must be balanced against the harm of compelled disclosure, since "compelled disclosure *** may induce members to withdraw from the [political group] and dissuade others from joining it because of fear of exposure of their beliefs shown through their associations and of the consequences of this exposure." *National Ass'n for the Advancement of Colored People v. Alabama ex rel. Patterson*, 357 U.S. 449, 462-63 (1958) (disclosure of membership list was likely to deter free enjoyment of right to associate).

Accordingly, in *Talley v. California* (1960), 362 U. S. 60, 4 L.Ed.2d 559, 80 S. Ct. 536, the Supreme Court reversed the conviction of a defendant who was convicted of violating an ordinance prohibiting the distribution of any handbill unless the name and address of the printer and distributor appeared on the face of the handbill. Although the State had argued that the ordinance was intended to identify those responsible for fraud, false advertising and libel, the court noted that it was not so limited and reserved judgment on the validity of a law "limited to prevent these or any other supposed evils" 362 U. S. 60, 64, 4 L.Ed.2d 559, 562, 80 S. Ct. 536, 538, the Supreme Court, emphasizing both the historical and practical importance of anonymous political speech, held the ordinance unconstitutional on its face.

In advancing first amendment rights, Respondent also relies on *People v. White* 116 Ill. 2d 171 (1987), wherein the Illinois Supreme Court held that:

In assessing the validity of a restriction on first amendment rights, the court must evaluate the "character and magnitude of the asserted injury" to the individual's rights, the strength and legitimacy of the "precise interests put forward by the State as justifications," and "the extent to which those interests make it necessary to burden" the individual's rights. (*Anderson v. Celebrezze* (1983), 460 U.S. 780, 789, 75 L.Ed.2d 547, 558, 103 S.Ct. 1564, 1570.) Significant encroachments on first amendment rights must survive "exacting scrutiny." (*Buckley v. Valeo* (1976), 424 U.S. 1, 64, 46 L.Ed.2d 659, 713, 96 S.Ct. 612, 656.) This means that the statute must further a "compelling" State interest (*Brown v. Hartlage* (1982), 456 U.S. 45, 53-54, 71 L.Ed.2d 732, 741, 102 S.Ct. 1523, 1528-29; *NAACP v. Alabama* (1958), 357 U.S. 449, 2 L.Ed.2d 1488, 78 S.Ct. 1163; *Commonwealth v. Dennis* (1975), 368 Mass. 92, 329 N.E.2d 706; *State v. Fulton* (La. 1976), 337 So.2d 866), and the State "may not choose means that unnecessarily restrict constitutionally protected liberty" (*Anderson v. Celebrezze* (1983), 460 U.S. 780,

In essence, Respondent posits that the actions of placing the name of KCTGG on the mailer was legal, i.e.; it was consistent with Zahm, Bannister and/or Koukol's first amendment rights. Further, since the amount spent for the mailer was less than \$3,000, the costs associated with the mailing did not have to be reported under the Election Code.

The case of *Brennan v. Illinois State Board of Elections*, 336 Ill. App. 3d 749, 764, 784 N.E.2d 854, 866 (2002), is instructive on what conduct is offensive to the Election Code disclosure requirements.

In *Brennan*, Dennis Brennan, an attorney, formed a political committee in February 2001 to oppose four candidates running for election to the Oak Lawn school board. Brennan financed the committee through personal loans and named David Zapata to serve as the committee's chairman and treasurer. The committee produced a videotaped negative campaign advertisement against the four candidates and anonymously distributed the tape to more than 7,000 residents of the school district prior to the April 3, 2001 election. Brennan filed a statement of organization on March 29, 2001, indicating that the committee (the Committee to Stop the Hurckes Four) was not formed until March 26, 2001. On April 27, 2001, Brennan filed an amended statement naming himself as chairman and treasurer of the committee. *Brennan*, 336 Ill. App. 3d at 754.

The Board filed a complaint against Brennan, Zapata and the Committee to Stop the Hurckes Four alleging violations of sections 9-2 (10 ILCS 5/9-2 (West 2000)), 9-3 (10 ILCS 5/9-3 (West 2000)), 9-7 (10 ILCS 5/9-7 (West 2000)), 9-10(b-5) (10 ILCS 5/9-10(b-5) (West 2000)) and 9-26 (10 ILCS 5/9-26 (West 2000)) of the Election Code. The complaint also alleged a violation of section 100.90 (26 Ill. Adm. Code § 100.90 (2000)) of the Illinois Administrative Code.

A Public Hearing was conducted and the hearing officer issued a written report finding that Brennan was the "de facto" chairman of the committee. The report also made the following findings of facts. The committee was formed as early as February 6, 2001, and no later than March 15, 2001, when Brennan paid First Light Productions [for the video]. The committee and Brennan failed to report the committee within five business days of its formation. The committee and Brennan also failed to report the contributions to the committee in excess of \$500 within two business days. Brennan failed to turn over to Zapata the financial receipts and proofs of payment of the transactions of the committee. Brennan filed a false D-1 statement of organization naming Zapata as the chairman and treasurer when, in fact, Brennan was the "de facto" chairman and treasurer. Brennan allowed the committee to accept and expend the funds at a time when the committee had vacancies in the offices of chairman and treasurer. Brennan filed a false D-1 and amended D-1 by failing to list his name as a sponsoring entity. Brennan's actions were performed with the intent to violate the Election Code. The report also found Zapata knew or should have known he had signed a document listing himself as chairman and treasurer of the committee; he had a legal obligation to inquire into the finances of the committee; he had foreknowledge that financial expenditures were intended to be made by the committee; and he might have the legal obligation to file reports.

The Board adopted the hearing officer's findings and fined the committee. The order also directed the Board's general counsel to send a copy of the order to the State's Attorney of Cook County and to the Attorney Registration and Disciplinary Commission.

Brennan appealed from the Board's order and the appellate court affirmed finding:

The evidence indicates that Brennan formed the committee to allow him to campaign against the Hurckes Four while concealing his identity. Brennan organized and funded the committee's activities from beginning to end and, essentially, *was* the committee. This is supported by the following findings. Brennan asked Jim Nalepa to serve as chairman and treasurer. Brennan solicited and accepted the bid to produce the videotape. Brennan hired the distribution company to mail the videotape. Brennan funded the committee's activities with money from his personal checking account. Brennan spent money on behalf of the committee when there was a vacancy in the offices of chairman and treasurer. Brennan called Zapata to participate in the committee. Brennan brought Zapata the D-1 statement of organization to sign. Brennan filled in the D-1, which contained an untrue statement that the committee was not created until March 26, 2001. Brennan failed to timely file the D-1. Brennan failed to include himself on the original D-1 and the amended D-1 as a sponsoring entity. Brennan filed both forms with the Board knowing they either contained false information or failed to include required information. And, Brennan failed to provide Zapata with the invoices or receipts of the committee's contributions and expenditures. 336 Ill. App. 3d at 763.

To apply the principles of *Brennan*, and determine whether the evidence indicates that KCTGG was formed to conceal true attribution and not for the purpose of exercising first amendment rights, requires an assessment of the facts.

On 1/28/14, Dan Koukol formed a political committee whose purpose was to elect Dan Koukol to the office of Kendall County Clerk/Recorder. Jon Zahm's testimony and the e-mails between Bannister and Zahm, (Exhibits H, I and J) clearly demonstrate that Bannister and Zahm supported Dan Koukol over his opponent in the March 2014 primary for Kendall County Recorder.

When reviewing the timeline established in Exhibits H, I, and J, it is clear that the genesis of the mailer at issue was a collaborative process which began on March 3, 2014. On that date, Bannister sent an e-mail to Zahm (with a copy to Dan Koukol), along with a copy of a mailer Bannister wanted Zahm to modify. According to the e-mail (Exhibit H):

Attached please find a mailing for DK's race. This will be a Third party mailing!⁴

⁴ Bannister testified that a "third party" mailer was intended to appear as if the mailer was not coming from Koukol's campaign.

What do we all think of this? IMO It's necessary to hit this hard due to the endorsement ad put out by DG. We also know for sure that the more people learn about what she has done, the more the numbers turn to DK's favor.

There is some NEW info on this piece. First and foremost, it's been discovered she has put the names of Grand Jury members on the internet, in multiple places.

We also found an article from 4/18/2013 where DG opposed legislation that would allow schools to opt out of being polling places for safety reasons. We need to bring this up at the forum too!!

This mailing borrows heavily from others (I still don't know for sure who did those), they worked, so why reinvent the wheel?

John, it would be best if this came from outside obviously and we need help with that.

We need a return address, and we need you to send it to our guy herein Oswego if that's at all possible.

DK, do not approve this! Feel free to comment, but never approve it. I don't mind getting muddy, but I never want to lie.

On the same day, Zahm responded to Bannister's e-mail. In that e-mail, which was also sent to Dan Koukol, Zahm acknowledged that the mailer needed some adjustments and suggested that Bannister buy a PO Box in Kendall County and send the mailer from there. Zahm stated "we can call it Kendall County Taxpayers for Good". He further advised Bannister that "No disclosure required if we keep the spending to 2999". (Exhibit H)

The following day, March 4, 2014, Bannister asked Zahm if he had "a PO box we can use", since "you can't set up a real PO anonymously". Wanting to remain anonymous, Bannister told Zahm he should make the document appear as though Zahm was the author and that PJ [the printer], "doesn't associate me with it" (Exhibit H).

On the same day, Zahm replied and stated that he had a PO Box number PO box 41 in Batavia. He also asked Bannister why the mailer had misspelling; to which Bannister responded, "DK thought if it was misspelled It would throw people of the trail a bit".

On March 5, 2014, Zahm sent Bannister an e-mail which stated:

jerry. please correct spelling of anne. change internet to Internet check spelling of alexi's last name. po box 4 Batavia Il 60510. find the Issue of the kc record with stupid ignorant morons quote and cite it in parenthesis. change board chair to Board Chair. I will forward to pj when done.... (Exhibit H)

On March 6, 2014, Zahm sent Bannister an e-mail which stated:

I am ready to send this to PJ. Love the improvements and cites!

How many do I ask PJ to print?

What mailing list do I ask him to send it to?

Will someone run a money order over to him in my name to pay of it? (Exhibit J)

On the same day, Bannister sent Zahm a data base consisting of a list of names and addresses of persons the mailer should be sent to. Bannister also reminded Zahm, "Remember to scrub my info off." (Exhibit I)

On March 7, 2014, at 7:26 am, Bannister sent Zahm an e-mail which said "Payment is taken care of. Send the excel sheet that was included in the e-mail, it's about 7200 households. Send ASAP the printer is really jammed up". (Exhibit J)

On March 7, 2014 Zahm, at 8:57 am, sent the mailer and mailing list to PJ [Philip Elizondo at Premier Printing] (with a blind copy to Bannister) which said:

Dear PJ.

Please print and mail this project. Attached is a pdf of the piece and mailing list. (Exhibit I)

Elizondo responded to Zahm's e-mail the same day and said, "Jon I received the file and will get this out monday or tuesday. Thanks PJ Elizondo Premier Mailing & Printing" (Exhibit I)

Zahm then sent a return e-mail to Elizondo, with blind copy to Koukol and Bannister, which says "Excellent. Thank you" (Exhibit I)

The aforementioned exchange of e-mails, as well as other exhibits, unequivocally establishes that the mailer was a collaborative process which involved Zahm, Bannister and Koukol. All three were instrumental in the creation, payment and/or distribution of the mailer at issue. The issue, therefore, is whether KCTGG was an independent political committee, the creation of which was consistent with the first amendment or, rather, under the facts of this case, KCTGG was a subterfuge, intended to mislead potential voters from knowing the true source of the mailer.

As regards the "creation" of the KCTGG, it is evident that the name KCTGG, originated with Zahm on March 3, 2014, when he responded to an e-mail from Bannister requesting help in modifying a third party negative mailer, which Bannister testified was intended conceal the fact that it came from Koukol's campaign.

In that initial e-mail from Bannister to Zahm, Bannister not only solicited Zahm's help in modifying the mailer, he also wanted to keep his involvement with the mailer anonymous ("John It would be best if this came from outside obviously and we need help with that"). Bannister's desire for anonymity was further expressed in other e-mails including e-mails in which Bannister told Zahm that Zahm should make the document appear that Zahm was the author, that PJ [the printer], "doesn't associate me with it" (Exhibit H), and that Zahm, when sending over the mailer to the printer, should "Remember to scrub my info off." (Exhibit I).

Bannister's concern for anonymity appears to be more than just avoiding placing his name on the mailer. Rather, it appears that he took affirmative steps to prevent others from tracing the true attribution of the mailer. Otherwise, there would have been no reason for Bannister to reject Zahm's suggestion that Bannister buy a PO Box in Kendall County. Nor would there have been any reason for Bannister to intentionally misspell names on the mailer. (See exhibit H, where, in response to Zahm asking Bannister why the mailer sent to him had misspellings, Bannister responded "DK thought if it was misspelled it would throw people of the trail a bit".)

Bannister's comment that "DK thought if it [the mailer] was misspelled it would throw

people of the trail a bit", coupled with Koukol's initial denial that he ever saw the e-mails, impeaches and calls into question Koukol's testimony that he did not approve the mailer.

Payment, like other aspects surrounding the creation and dissemination of the mailer, also appears to be cloaked in layers of secrecy. For example, Zahm e-mailed Bannister on March 6, 2014 and said "someone run a money order to him in my name to pay for it". Bannister replied to Zahm on March 7, 2014 and stated that "Payment is taken care of"⁵. (Exhibit J).

Bannister's e-mail that "payment was taken care of" was corroborated by Daniel Koukol who testified that he wrote a check to Philip Elizondo on or about March 10, 2014 for \$2,940 (Exhibit D) to pay the Premier Printing invoice addressed to "Kendal County Taxpayers for Good Government" at PO box 4 Batavia IL 60510 (Exhibit E)

Koukol did not know why he paid \$2,940, when the invoice was for \$2,937.29. Further, although he denied that Zahm told him to pay the invoice, he did not recall who told him to pay it. (The only other person that could have told Koukol to pay the invoice would have Bannister. However, Bannister denied telling Koukol to pay the invoice).

Regarding who actually paid the invoice, Koukol testified that his political committee did not pay for mailer. However, documents filed with the SBE suggest that the invoice may have been paid by Koukol's business, "DK Trailer and Tractor"⁶. In any event, while the check was clearly not drawn on the account of "Friends of Dan Koukol", there is reason to believe that the invoice was paid by either Dan Koukol or his business.⁷

Given the stealth and ambiguity surrounding the payment of the mailer at issue, there remains the more telling question of whether the "Kendal County Taxpayers for Good Government" existed.

Bannister, Zahm and Koukol testified under oath that they were NOT members of KCTGG. Accordingly, how can KCTGG exist if it had no acknowledged members or participants? Indeed, that is the inherent weakness of Respondent's claim that KCTGG advanced the first amendment rights of its members, since neither Zahm, Koukol or Bannister acknowledged being a member of KCTGG.⁸ Likewise, since no one acknowledged being a

⁵ This e-mail contradicts Bannister's testimony that he was unaware of how, or who, paid for the mailer.

⁶ An examination of the 3/31/14 D-2 filing for "Friends of Dan Koukol" indicates 1) that Dan Koukol's address is 1690 Collins Rd Oswego, Ill 60543, 2) that he is in "agricultural sales" and 3) that he is employed by DK Trailer and Tractor. Expenditures for "Friends of Dan Koukol" during the timeframe when the mailer at issue was paid, shows that the committee paid \$9,000 to DK Trailer and Tractor for "bus rental". The address given for DK Trailer and Tractor on the D-2, is 3485 Illinois 126 Oswego, Ill 60543, which is the same address listed on the check paid to Philip Elizondo for the mailer. (Exhibit D).

⁷ According to its D-2 filing for the quarter ending on 3/31/14, the committee paid Premier Mailing and Printing \$3,287.77 on 3/7/14 for "printing and mailing". Since the amount of the check and date on the check was different from the invoice for the mailer at issue, it is reasonable to conclude that the payment was for the "positive" mailer, which supported the candidacy of Dan Koukol referenced by Bannister and had the proper attribution, "Friends of Dan Koukol".

⁸ Respondent's reliance on Exhibit 2, *Reinke v The Illinois State Board of Elections*, is misplaced. In *Reinke*, Zahm testified that he was the sole member and contributor to "Citizens for a Better Campton" and that he alone paid for an ad supporting a Zahm client/candidate. Based upon Zahm's testimony, coupled with the court finding that the evidence did not establish that the ad was over the applicable minimum reporting limits, the appellate court reversed a portion of the SBE's determination that Zahm should have filed the appropriate disclosures.

member of KCTGG, Respondent's argument that there was nothing illegal with not reporting the formation of a political committee which advocates for or against a candidate and, as long as the expenditures fall below the threshold reporting requirements, is inapplicable and must also be rejected.

Since the evidence suggests that KCTGG had no members, and/or never existed, there remains the question as to what political committee, if any, should have reported the contribution and expenditure for the mailer. The answer is either KCCC or "Friends of Dan Koukol".

As regards KCCC's responsibility to report the contribution and expenditure, the evidence reveals that KCCC's purpose was 1) to "to support men and women for public office who best represent conservative social and fiscal values while conducting themselves ethically and responsibly", 2) that Jon Zahm is KCCC's sole representative, 3) that Zahm supported the candidacy of Dan Koukol; and 4) that he assisted in the drafting and dissemination of the negative mailer.

Further, the evidence reveals that his role was more than just advisor and consultant. Rather, by agreeing to let Bannister use KCCC's PO Box, by acknowledging that the goal of the mailer was to have it appear as though it originated from "outside" Koukol's committee, and by offering to pay the invoice with a money order which inaccurately would have had his name on it, all demonstrate a violation of the spirit, if not the letter, of the Election Code.

Alternatively, if KCCC chose not to report it on its 3/31/14D-2, then the contribution and expenditure for the mailer should have been reported by "Friends of Dan Koukol" in its D-2 quarterly report. Support for that conclusion is found in the undisputed facts that 1) "Friends of Dan Koukol" was created on 1/28/14 for the purpose "to elect Dan Koukol to office of Kendall County clerk/recorder" 2) that Dan Koukol was copied on several e-mails in which the negative mailer was discussed, 3) that Bannister advised Zahm that Koukol had suggested that the mailer should contain misspellings in order to make attribution more difficult, 4) that Koukol (or Koukol's business) paid for the mailer and 5) that having the negative mailer sent to potential voters, which appeared to have originated from someone other than Debbie Gillette's opponent, would give the mailer more gravitas and directly benefit Koukol's faltering candidacy,

FINDINGS AND RECOMMENDATION

It is your Hearing Examiner's finding that the evidence presented by Complainant established that Jerry Bannister, Dan Koukol and Jon Zahm, collaboratively created, distributed, and/or paid for a "negative mailer", which did not have proper attribution as required under the Election Code. Additionally, your Hearing Examiner finds that the creation and distribution of the mailer was not motivated by Jerry Bannister, Dan Koukol and/or Jon Zahm's first amendment rights.

Accordingly, it is your Hearing Examiner's recommendation that that SBE order that KCCC or "Friends of Dan Koukol" amend their 3/31/14 quarterly financial statement to reflect the contribution and payment for the negative mailer, as well as any other remedy the SBE determines reasonable and just.

Respectfully Submitted,


Philip Krasny

dated

1/12/15

COMMITTEE NAME:	POLITICAL COMMITTEE IDENTIFICATION No.: 25779-10
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8. REQUIRED COMMITTEE OFFICERS.

POSITION	NAME	MAILING ADDRESS, DAYTIME PHONE NUMBER, AND E-MAIL ADDRESS
CHAIRMAN	Shari Martin	211 Ashcroft Ln, Oswego, IL 60543 630-551-0323 smartin314@sbcglobal.net
TREASURER	Shari Martin	211 Ashcroft Ln, Oswego, IL 60543 630-551-0323 smartin314@sbcglobal.net

9. POSITION, NAME & MAILING ADDRESS OF EACH CUSTODIAN OF THE COMMITTEE'S BOOKS AND ACCOUNTS.

POSITION	NAME	MAILING ADDRESS, DAYTIME PHONE NUMBER, AND E-MAIL ADDRESS
Treasurer	Shari Martin	211 Ashcroft Ln, Oswego, IL 60543 630-551-0323 smartin314@sbcglobal.net

**10. LIST OF ALL FINANCIAL INSTITUTIONS AND OTHER REPOSITORIES OF THE COMMITTEE FUNDS.
(IF AMENDING, LIST ALL AS OF TODAY'S DATE.)**

NAME	MAILING ADDRESS AND PHONE NUMBER
North Community Bank	10 S Madison St Oswego, IL 630-554-3411

11. DISPOSITION OF RESIDUAL FUNDS IN THE EVENT OF DISSOLUTION OR TERMINATION OF THE COMMITTEE:

☒ RETURN TO CONTRIBUTORS IN AMOUNTS NOT TO EXCEED THEIR INDIVIDUAL CONTRIBUTIONS.

☐ TRANSFER TO ANOTHER POLITICAL COMMITTEE: _____

☐ TRANSFER TO A CHARITABLE ORGANIZATION: _____

IF MORE SPACE FOR INFORMATION IS REQUIRED, PLEASE ATTACH ADDITIONAL SHEETS.

VERIFICATION- BALLOT INITIATIVE COMMITTEES ONLY

I DECLARE THAT THIS BALLOT INITIATIVE COMMITTEE IS FORMED FOR THE PURPOSE OF SUPPORTING OR OPPOSING A QUESTION OF PUBLIC POLICY. ALL CONTRIBUTIONS AND EXPENDITURES OF THE COMMITTEE WILL BE USED FOR THE PURPOSE DESCRIBED IN THIS STATEMENT OF ORGANIZATION. THE COMMITTEE MAY ACCEPT UNLIMITED CONTRIBUTIONS FROM ANY SOURCE. PROVIDED THAT THIS BALLOT INITIATIVE COMMITTEE DOES NOT MAKE CONTRIBUTIONS OR EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A CANDIDATE OR CANDIDATES FOR NOMINATION FOR ELECTION, ELECTION, OR RETENTION, AND FAILURE TO ABIDE BY THESE REQUIREMENTS SHALL DEEM THIS COMMITTEE IN VIOLATION OF THIS ARTICLE. (10 ILCS 5/9)

PRINTED AND WRITTEN SIGNATURE OF COMMITTEE CHAIRPERSON

DATE

VERIFICATION: INDEPENDENT EXPENDITURE COMMITTEES ONLY

I DECLARE THAT (i) THIS INDEPENDENT EXPENDITURE COMMITTEE IS FORMED FOR THE EXCLUSIVE PURPOSE OF MAKING INDEPENDENT EXPENDITURES, (ii) ALL CONTRIBUTIONS AND EXPENDITURES OF THE COMMITTEE WILL BE USED FOR THE PURPOSE DESCRIBED IN THE STATEMENT OF ORGANIZATION, (iii) THE COMMITTEE MAY ACCEPT UNLIMITED CONTRIBUTIONS FROM ANY SOURCE, PROVIDED THAT THE INDEPENDENT EXPENDITURE COMMITTEE DOES NOT MAKE CONTRIBUTIONS TO ANY CANDIDATE POLITICAL COMMITTEE, POLITICAL PARTY COMMITTEE OR POLITICAL ACTION COMMITTEE, AND (iv) FAILURE TO ABIDE BY THESE REQUIREMENTS SHALL DEEM THE COMMITTEE IN VIOLATION OF THIS ARTICLE.

Shari Martin Shari Martin

11/29/14

PRINTED AND WRITTEN SIGNATURE OF COMMITTEE CHAIRPERSON

DATE

VERIFICATION: ALL POLITICAL COMMITTEES

I DECLARE THAT THIS STATEMENT OF ORGANIZATION (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS A TRUE, CORRECT, AND COMPLETE STATEMENT OF ORGANIZATION AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE STATEMENT IS SUBJECT TO A CIVIL PENALTY OF AT LEAST \$1001 AND UP TO \$5000.

Shari Martin Shari Martin

11/29/14

PRINTED AND WRITTEN SIGNATURE OF TREASURER OR CANDIDATE

DATE

THE ILLINOIS STATE BOARD OF ELECTIONS REQUIRES THE DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 78-1183. WILLFUL FAILURE TO FILE OR WILLFUL FILING OF FALSE OR INCOMPLETE INFORMATION REQUIRED BY THIS ARTICLE SHALL CONSTITUTE A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM ACT.

ALL POLITICAL COMMITTEES RETURN TO:

STATE BOARD OF ELECTIONS
2329 S MACARTHUR BLVD
SPRINGFIELD, IL 62704-4503
fax: 217-557-5630

e-mail: D1@ELECTIONS.IL.GOV (D-1s ONLY)

STATE BOARD OF ELECTIONS
JAMES R. THOMPSON CENTER
100 W RANDOLPH ST, STE 14-100
CHICAGO, IL 60601-3232
fax: 312-814-6485

e-mail: D1@ELECTIONS.IL.GOV (D-1s ONLY)



FORM

D-1

STATEMENT OF ORGANIZATION

PLEASE TYPE OR PRINT IN BLACK INK

FOR OFFICE USE ONLY

CHICAGO
FEB -4 PM 2:54
STATE BOARD OF ELECTIONS

Full name and complete mailing address of Political Committee:

Friends of Dan Koukol
1690 Collins Rd
Oswego, IL 60543

E-MAIL ADDRESS: smartin314@sbcglobal.net

☐ CHECK HERE IF ADDRESS CHANGEPOLITICAL COMMITTEE
IDENTIFICATION No.

25779-10

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

1.	DATE COMMITTEE CREATED: 1/28/14	2.	AMOUNT OF FUNDS AVAILABLE AS OF CREATION DATE :\$0
3.	<input checked="" type="checkbox"/> NEW COMMITTEE (MUST BE FILED WITHIN 10 DAYS OF CREATION OR WITHIN 2 DAYS IF CREATED WITHIN 30 DAYS BEFORE AN ELECTION.) <input type="checkbox"/> AMENDMENT (MUST BE FILED WITHIN 10 DAYS OF ANY CHANGES. ENTER ONLY THOSE CHANGES FROM LAST D-1 ON FILE.) <input type="checkbox"/> REACTIVATING		
4.	POLITICAL COMMITTEE'S DESIGNATION: ALL COMMITTEES CHOOSE ONLY ONE: <input checked="" type="checkbox"/> CANDIDATE POLITICAL COMMITTEE* *For purposes of contribution limits and reporting requirements a Candidate Political Committee supporting a candidate for multiple offices elected at different elections must designate an election cycle by listing the appropriate office. This office is: <u>Kendall County Clerk/Recorder</u> <input type="checkbox"/> POLITICAL ACTION COMMITTEE <input type="checkbox"/> POLITICAL PARTY COMMITTEE <input type="checkbox"/> BALLOT INITIATIVE COMMITTEE <input type="checkbox"/> INDEPENDENT-EXPENDITURE-ONLY PAC** ** May not make direct contributions or coordinated expenditures.		
5.	POLITICAL COMMITTEE'S AREA OF ACTIVITY, SCOPE, AND PARTY AFFILIATION. A. THIS COMMITTEE WILL PRIMARILY OPERATE IN THE FOLLOWING COUNTY(IES) OR DISTRICT(S): (not applicable if operating statewide or supporting/opposing statewide candidates or ballot initiatives) <u>Kendall County</u> B. POLITICAL PARTY AFFILIATION: <u>Republican</u> C. NAME AND ADDRESS OF EACH SPONSORING ENTITY:		
6.	PURPOSE OF THE POLITICAL COMMITTEE. <u>To elect Dan Koukol to office of Kendall County Clerk/Recorder</u>		
7.	CANDIDATE(S) THE COMMITTEE IS SUPPORTING OR OPPOSING. (IF AMENDING, LIST ALL AS OF TODAY'S DATE.)		

NAME AND ADDRESS	SUPPORT	OPPOSE	OFFICE	PARTY AFFILIATION
Dan Koukol 1690 Collins Rd Oswego, IL 60543-9663	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kendall County Clerk/Recorder	Republican

IF MORE SPACE FOR INFORMATION IS REQUIRED, PLEASE ATTACH ADDITIONAL SHEETS.

THIS FORM MAY BE REPRODUCED

PAGE 1 OF 2

Revised 7/9/12

FORM D-2

REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES Quarterly Report

FOR OFFICE USE ONLY
IDENTIFICATION NO.

25779

Friends of Dan Koukol
1690 Collins Rd
Oswego, IL 60543

FILED

7/14/2014 9:29:26 PM

REPORTING PERIOD
4/1/2014 thru 6/30/2014

CASH AVAILABLE AT
THE BEGINNING OF THE
REPORTING PERIOD

\$0.00

SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ 0.00
b. Not-Itemized..... \$ 0.00

2. Transfers In:

a. Itemized (from Schedule A) \$ 0.00
b. Not-Itemized..... \$ 0.00

3. Loans Received:

a. Itemized (from Schedule A) \$ 1,716.00
b. Not-Itemized..... \$ 0.00

4. Other Receipts:

a. Itemized (from Schedule A) \$ 0.00
b. Not-Itemized..... \$ 0.00
TOTAL RECEIPTS (1-4)..... \$ 1,716.00

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ 0.00
b. Not-Itemized..... \$ 0.00
TOTAL IN-KIND..... \$ 0.00

Name and address of person submitting this report if other
than the committee's candidate or treasurer:

SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) 0.00
b. Not-Itemized..... 0.00

7. Loans made:

a. Itemized (from Schedule B) 0.00
b. Not-Itemized..... 0.00

8. Expenditures:

a. Itemized (from Schedule B) \$ 1,716.00
b. Not-Itemized..... \$ 0.00

9. Independent Expenditures:

a. Itemized (from Schedule B) \$0.00
b. Not-Itemized..... \$0.00

TOTAL EXPENDITURES (6-9)..

\$ 1,716.00

SECTION C - DEBTS AND OBLIGATIONS

10. a. Itemized (from Schedule C).... \$ 14,655.24
b. Not-Itemized..... \$ 0.00

TOTAL DEBTS AND OBLIGATIONS

\$ 14,655.24

SECTION D - CASH BALANCE

Funds available at the beginning
of the reporting period..... \$ 0.00

Total Receipts (Section A)..... \$ 1,716.00

Subtotal..... \$ 1,716.00

Total Expenditures (Section B)..... \$ 1,716.00

Funds available at the close of
the reporting period..... \$ 0.00

Investment Total..... \$ 0.00

VERIFICATION

I DECLARE THAT THIS QUARTERLY REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS SUBJECT TO A CIVIL PENALTY OF AT LEAST \$1001 AND UP TO \$5000.

Shari Martin

7/14/2014 9:29:26PM

SIGNATURE OF TREASURER OR CANDIDATE

DATE

Filed Electronically

NAME OF POLITICAL COMMITTEE

REPORTING PERIOD

FILED

FOR OFFICE USE ONLY
IDENTIFICATION NO.

Description of Amended Information

NAME OF POLITICAL COMMITTEE

REPORTING PERIOD

FILED

FOR OFFICE USE ONLY
IDENTIFICATION NO.**SCHEDULE A****PART 3: LOANS RECEIVED**

ITEMIZED RECEIPTS		DATE	AGGREGATE AMOUNT	
FULL NAME, MAILING ADDRESS, AND ZIP CODE		RECEIVED	ENDORSED AMOUNT	FOR THIS REPORTING PERIOD
Ref - ID: 537535-1 Koukol, Dan 1690 Collins Rd Oswego, IL 60543				
Loan Amount:		\$1,716.00 6/30/2014		
Koukol, Dan 1690 Collins Rd Oswego, IL 60543			\$1,716.00 Employer: D K Trailer and Tractor Occupation: Agriculture Sales	
TOTAL FOR THIS PART:				\$1,716.00

SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTIONS
OF
\$1000 or more

FILED
3/31/2014 09:03:17 PM
FOR OFFICE USE ONLY
IDENTIFICATION NO.
25779
10

Friends of Dan Koukol
1690 Collins Rd
Oswego, IL 60543

ITEMIZED RECEIPTS

FULL NAME, MAILING ADDRESS, AND ZIP CODE

RECEIPT
TYPE

DATE
RECEIVED

ENDORSED AMOUNT

Loans Received

Dan Koukol
1690 Collins Rd
Oswego, IL 60543
Ref - ID: 527068-1

Loan \$9,651.47 3/31/2014

\$9,651.47

Koukol, Dan
1690 Collins Rd
Oswego, IL 60543

Name and address of person submitting this report if other
than the committee's candidate or treasurer:

D-2 Quarterly Report
1/28/2014 to 3/31/2014

Contributed By	Address	Amount	Description	Vendor Name	Vendor Address
Koukol, Dan Occupation: Agriculture Sales Employer: D K Trailer and Tractor	1690 Collins Rd Oswego, IL 60543	\$3,287.77 3/7/2014	Loan Received Friends of Dan Koukol	Koukol, Dan	1690 Collins Rd Oswego, IL 60543
Koukol, Dan Occupation: Agriculture Sales Employer: D K Trailer and Tractor	1690 Collins Rd Oswego, IL 60543	\$9,651.47 3/31/2014	Loan Received Friends of Dan Koukol	Koukol, Dan	1690 Collins Rd Oswego, IL 60543

This report has 2 itemized Loans Received totaling \$12,939.24

NAME-OF POLITICAL COMMITTEE

REPORTING PERIOD

FILED

FOR OFFICE USE ONLY
IDENTIFICATION NO.**SCHEDULE B****PART 8 - EXPENDITURES**

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	AMOUNT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Home Depot 3080 U.S. 34 Oswego, IL 60543 Purpose: Lawn signs	4/9/2014 Beneficiary: Friends of Kan Koukol	\$550.00	\$550.00
Nelson Multimedia One Broadcast Center Plano, IL 60545-2100 Purpose: Media - radio	4/4/2014 Beneficiary: Friends of Kan Koukol	\$666.00	\$666.00
Oswegoland Park District 313 E Washington St Oswego, IL 60543 Purpose: Sponsorship	6/2/2014 Beneficiary: Friends of Kan Koukol	\$500.00	\$500.00
TOTAL FOR THIS PART:			\$1,716.00

D-2 Quarterly Report
1/28/2014 to 3/31/2014

Received By	Address	Amount	Expended By	Purpose / Beneficiary
D K Trailer & Tractor	3485 Illinois 126 Oswego, IL 60543	\$9,000.00 3/31/2014	Expenditure Friends of Dan Koukol	Bus rental Friends of Kan Koukol
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$241.80 3/3/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$241.80 2/24/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$143.06 2/3/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$143.06 2/17/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$76.00 2/10/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$305.75 3/10/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol
Premier Mailing and Printing	4551 Route 71 Oswego, IL 60543	\$3,287.77 3/7/2014	Expenditure Friends of Dan Koukol	Printing and Mailing Friends of Kan Koukol

This report has 8 itemized Expenditures totaling \$13,439.24

NAME OF POLITICAL COMMITTEE

REPORTING PERIOD

FILED

FOR OFFICE USE ONLY
IDENTIFICATION NO.**SCHEDULE B-9**

EXPENDED TO: FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	AMOUNT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Purpose:			
Candidate:	Office Sought:		
TOTAL FOR THIS PART:			

UNDER PENALTY OF PERJURY, THIS EXPENDITURE(S) WAS NOT MADE IN COOPERATION, CONSULTATION, OR CONCERT WITH, OR AT THE REQUEST OR SUGGESTION OF ANY AUTHORIZED COMMITTEE OR AGENT OF SUCH COMMITTEE.

SIGNATURE OF TREASURER OR CANDIDATE

DATE

**SCHEDULE C
DEBTS AND OBLIGATIONS**

FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE INCURRED	ORIGINAL AMOUNT	CUMULATIVE PAYMENT TO DATE ON DEBT	OUTSTANDING BALANCE AT THE CLOSE OF THIS PERIOD
Koukol, Dan 1690 Collins Rd Oswego, IL 60543	3/7/2014	\$3,287.77	\$0.00	\$3,287.77
	3/31/2014	\$9,651.47	\$0.00	\$9,651.47
	6/30/2014	\$1,716.00	\$0.00	\$1,716.00
TOTAL FOR THIS PART:				\$14,655.24

INTRODUCTION AND FACTUAL BACKGROUND

The Complainant alleges that the Kane County Conservative Coalition ("KCCC") helped prepare and distribute a mailer (the "Negative Mailer") which was critical of Debbie Gillette, a candidate in the March 2014 Republican Primary for Kendal County Clerk and Recorder. KCCC did so to support the candidacy of Dan Koukol, her primary opponent. KCCC, however, was not listed as the entity that produced, funded and sent the Negative Mailer. Instead, it listed the Kendall County Taxpayers for Good Government ("KCTGG"). But KCTGG did not then, nor did it ever, exist. KCTGG was nothing more than a name on a page, using KCCC's post office box as a return address, created for the express purpose of evading campaign finance reporting requirements.

The Hearing Officer expressly found that Dan Koukol, John Zahm, chairman of KCCC, and Jerry Bannister collaborated via e-mail to "create" KCTGG. Zahm suggested the name and noted that there is "no disclosure required if we keep the spending to 2999." (Recommendation of the Hearing Examiner to the General Counsel Following Public Hearing ("Recommendation") at 12.) Zahm agreed to allow the non-existent KCTGG to use KCCC's post office box as its return address. (*Id.*) Bannister requested that Zahm should make the document appear as if he were the author of the Negative Mailer, not Bannister. (*Id.*) As a result, Zahm asked that certain misspellings be corrected, recognizing that the mailing would likely be traced back to KCCC and him through the post office box. (*Id.*) All of this was done in order to "conceal the fact that (the Negative Mailer) came from Koukol's campaign." (*Id.* at 13.)

Ultimately, Dan Koukol paid for printing and mailing the Negative Mailer with what appeared to be a personal check¹. (*Id.* at 13-14; Compl. Ex. D²) The invoice totaled \$2,937.29 to Premier Mailing and Printing; the check from Koukol totaled \$2,940.00. (*Id.* at 14.) Neither KCCC nor Koukol's candidate committee, Friends of Dan Koukol, reported any contributions or expenditures as a result of or related to the Negative Mailer. (*Id.* at 14.)

The Hearing Officer ultimately concluded from these facts that KCTGG never existed and that it was really KCCC that acted to send the Negative Mailer. (*Id.* at 14.) The Hearing Officer also concluded that "by agreeing to let Bannister use KCCC's PO Box, by acknowledging that the goal of the mailer was to have it appear as though it originated from 'outside' Koukol's committee, and by offering to pay the invoice with a money order which inaccurately would have had his name on it, all demonstrate a violation of the spirit, if not the letter, of the Election Code." (*Id.* at 15.) The Hearing Officer found, in the alternative, that if KCCC chose not to report the expenditure, Friends of Dan Koukol should have because the mailer was created by Koukol and those supporting him with the intent of "appear(ing) to have originated from someone other than" Koukol in order to "directly benefit Koukol's faltering candidacy." (*Id.*)

The Hearing Officer is correct to determine that KCTGG was the alter ego of KCCC and that both it and Friends of Dan Koukol failed to report the expenditure on the Negative Mailer. However, the Board should not choose between these committees with regard to imposing

¹ The check is a personal check from Koukol based on its face, but as the Hearing Officer noted, there is reason to believe that it might have been from Koukol's business, DK Trailer and Tractor (Recommendation at 14).

² Over the two days of hearing, Complainant introduced Exhibits A through GG, including transcripts of three evidence depositions conducted, cited here as "Compl. Ex. ____". Respondent introduced Exhibits 1 and 2, cited here as "Resp. Ex. ____". The transcript of the first hearing date of December 3, 2014 is cited here as "1st Tr. ____". The transcript of the second hearing date of December 18, 2014 is cited here as "2nd Tr. ____".

Ultimately, Dan Koukol paid for printing and mailing the Negative Mailer with what appeared to be a personal check¹. (*Id.* at 13-14; Compl. Ex. D²) The invoice totaled \$2,937.29 to Premier Mailing and Printing; the check from Koukol totaled \$2,940.00. (*Id.* at 14.) Neither KCCC nor Koukol's candidate committee, Friends of Dan Koukol, reported any contributions or expenditures as a result of or related to the Negative Mailer. (*Id.* at 14.)

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I. The Evidence Demonstrates the Egregious Nature of the Actions Taken to Avoid Campaign Finance Disclosure Requirements by KCCC, Zahm, Koukol and Bannister.

KCCC and Friends of Dan Koukol are registered with the State Board of Elections as political committees (Compl. Ex. G; Compl. Ex. A at 21-22). As such, they are required to file quarterly receipt and expense reports with the Illinois State Board of Elections. 10 ILCS 5/9-11.

The reports must include:

the full name and mailing address of each person who has made one or more contributions to or for the committee within the reporting period in an aggregate amount or value in excess of \$150, together with the amounts and dates of those contributions, and, if the contributor is an individual who contributed more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information.

10 ILCS 5/9-11(4) (emphasis supplied). It also includes "each contribution, rebate, refund, income from investments, or other receipt in excess of \$150 received by the committee not otherwise listed under items (4) through (9)..." 10 ILCS 5/9-11(10). Related requirements for reporting of expenditures appear in 10 ILCS 5/9-11(12)-(16).

Willful failure to file or willful filing of false or incomplete information required by these sections constitutes an offense subject to a fine of up to \$5,000.00. 10 ILCS 5/9-26. Moreover, regulations provide that "[t]he State Board of Elections will view any attempt to circumvent the clear intentions of the Act by means of subterfuge as violations of Article 9 of the Election Code." 26 Ill. Admin. Code 100.90.

There is no dispute that KCCC and Friends of Dan Koukol are registered political committees with the ISBE and, therefore, required to report quarterly on their receipts and expenditures. It is also undisputed that KCCC and Friends of Dan Koukol did not report any

contributions or expenditures related to the Negative Mailer or the money received to fund that expenditure. Nor did anyone else.

II. KCCC Intended to Conceal the Negative Mailer and Willfully Failed to Report Any Contributions or Expenditures Related to the Negative Mailer.

KCCC, through Zahm, was instrumental in the creation of the Negative Mailing, sent it to the printing/mailing house, and directed payment for the Negative Mailer. In short, KCCC sent the Negative Mailer under the name of KCTGG in an attempt to avoid reporting requirements for contributions and expenditures under the Election Code. Accordingly, KCCC should be fined for failure to properly report its contributions and expenditures for the quarter ending March 31, 2014.

The Hearing Officer expressly found that KCTGG was the alter ego of KCCC and that KCCC acted in this manor to avoid disclosure requirements under the Election Code related to the expenditure of funds for the Negative Mailer. (Recommendation at 15.) However, KCCC also failed to report a receipt – the payment by Koukol to Premier Mailing and Printing of \$2,940.00 for the Negative Mailer. Without this contribution, KCCC would not have had sufficient funds to pay for the Negative Mailer. The current KCCC report for the quarter ending March 31, 2014 demonstrates that, after accounting for all of its reported activity, KCCC had only \$72.50 available (Compl. Ex. F). KCCC, then, committed multiple violations – failing to report the receipt of \$2,940.00 from Koukol and the expenditure of those funds through Koukol to Premier Mailing and Printing on the Negative Mailer.

The failure to report this contribution and expenditure is demonstrably willful and should be penalized as a violation of the Election Code. 26 Ill. Admin. Code 100.90. The documentary evidence clearly establishes Zahm's intent to circumvent reporting requirements through

subterfuge: Zahm wrote "No disclosure required if we keep the spending to 2999. Then we can call it Kendall County Taxpayers for Good Government." When Bannister notes that they cannot obtain a P.O. Box anonymously Zahm offers up KCCC's. "Yes. I have PO box 4 in Batavia." Zahm further demonstrates knowledge that this would lead readers and recipients of the Negative Mailer to the conclusion that it is tied to KCCC and Zahm through his concern regarding the misspelling of a candidate's name: "Why the misspelling? I don't want people to think I misspelled it" (Compl. Ex. H). Zahm then sent the Negative Mailer to the printer and requested of Bannister that payment be made (Compl. Ex. J).

Bannister's initial e-mail with a draft of the Negative Mailer also evidences intent to avoid disclosure rules: "John, it would be best if this came from the outside obviously and we need help with that. We need a return address" (Compl. Ex. H).

The attempt at subterfuge is clear throughout the entire conversation. Neither Zahm, Bannister nor Koukol wanted to have to report the expenditure to the ISBE. Zahm, as a professional political operative and veteran of numerous campaigns, is well acquainted with the campaign finance disclosure laws (1st Tr. 36-40). Indeed, Bannister sought Zahm's advice for that reason (Compl. Ex. X at 9). Zahm demonstrates this knowledge of the disclosure requirements by stating the need to "keep the spending to 2999." (Zahm was apparently unaware that the threshold for reporting had been raised from \$3,000.00 to \$5,000.00 effective July 29, 2013 by Public Act 98-115.)

It should be clear that Zahm is well-acquainted with what the Election Code requires, as his primary work is as a political consultant: he is in fact paid to assist campaigns in preparation of reports to the Board. Zahm has decades of experience, including primary responsibility for

preparing KCCC's reports to the Board for many years. (1st Tr. 36-40.) Given this extensive experience, KCCC's false reporting should be deemed willful. 10 ILCS 5/9-26.

Zahm's familiarity with reporting requirements was also shown when he suggested, on the record at the hearing, that perhaps KCCC should amend its report to show the expenditure for the voter guide it sent out on March 14, 2014 (2nd Tr. 30). This acknowledgement shows Zahm's familiarity with what is required for reporting.

The evidence demonstrates that KCCC willfully failed to report the contribution and expenditure related to the Negative Mailer and should be fined accordingly.

III. Friends of Dan Koukol Willfully Failed to Report the Receipt of an In-Kind Contribution of the Negative Mailer.

The hearing officer expressly found that Dan Koukol was involved in the creation of the Negative Mailer and "KCTGG" and Koukol wrote the check to Premier Mailing and Printing for the cost of the Negative Mailer (Compl. Ex. D). The Hearing Officer also expressly found that the Negative Mailer was designed to "directly benefit Koukol's faltering candidacy." (Recommendation at 15.) Moreover, Zahm, a professional political operative, engaged in the design and drafting of the Negative Mailer, and directed the payment for it. Because Friends of Dan Koukol received the benefit of the Negative Mailer and Zahm's services related to it, Friends of Dan Koukol was obligated to report the receipt of an in-kind contribution of at least the cost of the mailing, \$2,937.29.

Friends of Dan Koukol may argue that these positions are inconsistent – the receipt and expenditure of the funds related to the Negative Mailer could be reported by KCCC. This is mistaken, as there are multiple transactions taking place. The first is the contribution of

\$2,940.00 by Koukol to KCCC through payment of the invoice for the Negative Mailer.³ KCCC then expended that contribution through the mailing itself, which was intended to benefit Friends of Dan Koukol. This intended benefit was found by the Hearing Officer and is demonstrated by the e-mail exchanges calling the Negative Mailing “a mailing for DK’s race” (Recommendation at 11) and noting that “it would be best if this came from outside obviously and we need help with that.” (Recommendation at 13.) The expenditure by KCCC on the Negative Mailer is, then, also an in-kind contribution to Friends of Dan Koukol. That in-kind contribution must be reported by Friends of Dan Koukol during the quarter in which it was received.

IV. Complainant’s Recommended Fines.

KCCC and Friends of Dan Koukol each failed to report a contribution of \$2,937.29 for the quarter ending March 31, 2014. By failing to include this contribution on their respective quarterly reports, each violated 10 ILCS Section 5/9-10(b), incurring fines of up to \$5,000.00. Additionally, because the contribution was over \$1,000.00, each committee also violated 10 ILCS 5/9-10(c), incurring a penalty of at least 10% and not more than 150% of the contribution amount for failing to file the required A-1 report of a contribution over \$1,000.00.

In light of the egregious, willful nature of the violations, and the lengths to which KCCC and Friends of Dan Koukol went in their attempt to avoid reporting requirements under the Election Code, Complainant suggests the following fines based on the January 12, 2015 date the Recommendation issued:

³ That the monetary contribution went directly to Premier Mailing and Printing rather than through KCCC is immaterial to the fact that it is a contribution in that amount to KCCC. The direction came from Zahm to make such payment. It is effectively no different than Koukol writing a check to KCCC, which then pays directly for the Negative Mailer. Structuring payment in the way the Respondent did, however, furthers the subterfuge while proper attribution and reporting would not.

- \$4,675.00 fine of KCCC for failure to report the contribution on its March 31, 2014 quarterly report. The report is 187 business days late (from April 16, 2014 to January 12, 2015) at \$25.00 for each business day the report is late pursuant to 26 Ill. Adm. Code 125.425(d)(1).
- \$4,405.94 fine of KCCC for failure to file the required A-1 report of a contribution over \$1,000.00, reflecting 150% of the \$2,937.29 contribution amount.
- \$5,000.00 fine of Friends of Dan Koukol for failure to report the in-kind contribution on its March 31, 2014. The report is 187 business days late (from April 16, 2014 to January 12, 2015) at \$50.00 for each day the report is late pursuant to 26 Ill. Adm. Code 125.425(d)(2), but subject to the cap of \$5,000.00.
- \$4,405.94 fine of Friends of Dan Koukol for failure to file the required A-1 report of a contribution over \$1,000.00, reflecting 150% of the \$2,937.29 contribution amount.

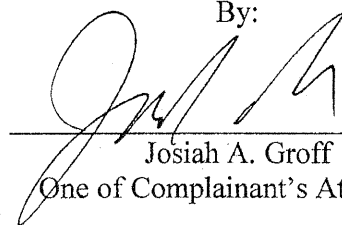
In addition to failing to report contributions, KCCC also failed to report the expenditure of \$2,937.29 on the Negative Mailer. This separate violation should also be fined as follows:

- \$4,700.00 fine of KCCC for failure to report the expenditure on its March 31, 2014 quarterly report. The report is 188 business days late (from April 16, 2014 to January 13, 2015) at \$25.00 for each day the report is late pursuant to 26 Ill. Adm. Code 125.425(d)(1).

CONCLUSION

For the foregoing reasons, Complainant recommends that the Illinois State Board of Elections fine KCCC a total of \$13,805.94 for failure to properly report contributions and expenditures during the quarter ending March 31, 2014 and failure to timely file an A-1 report for a contribution over \$1,000.00 during the quarter ending March 31, 2014; and fine Friends of Dan Koukol a total of \$9,405.94 for failure to properly report contributions during the quarter ending March 31, 2014 and failure to timely file an A-1 report for a contribution over \$1,000.00 during the quarter ending March 31, 2014.

Josiah A. Groff (#6289628)
DOWD, BLOCH, BENNETT & CERVONE
8 South Michigan Avenue, 19th Floor
Chicago, Illinois 60603
(312) 372-1361

By: 

Josiah A. Groff
One of Complainant's Attorneys

January 16, 2015

CERTIFICATE OF SERVICE

I, Josiah A. Groff, an attorney, hereby certify that, on January 16, 2015, I caused to be served the foregoing Complainant's Brief in Support of the Hearing Officer's Recommendation and Complainant's Proposed Fine Schedule to the following persons by regular mail and email at the addresses listed below:

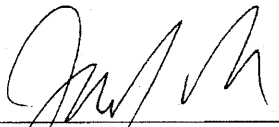
Jon Zahm
P.O. Box 4
Batavia, IL 60510-0004

Jon Zahm
14910 Osco Road
Osco, IL 61274

Daniel Koukol
3485 State Route 126
Oswego, IL 60543

Jon Zahm [kaneconservative@gmail.com]

Dan Koukol [dktractor69@gmail.com]



Josiah A. Groff
Attorney for Complainant

LAW OFFICES
DOWD, BLOCH, BENNETT & CERVONE

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J. PETER DOWD
ROBERT E. BLOCH
BARRY M. BENNETT
ROBERT S. CERVONE
JUSTIN J. LANNOYE

JEREMY M. BARR
JOSIAH A. GROFF
DAVID P. LICHTMAN
GEORGE A. LUSCOMBE III
ELIZABETH L. ROWE
GREGORY W. ROSÉ
LAUREN B. MCGLOTHLIN

January 16, 2015

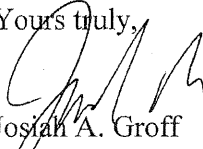
BY MAIL AND EMAIL

Steven Sandvoss
General Counsel, Illinois State Board of Elections
James R. Thompson Center
100 W. Randolph
Ste 14-100
Chicago, IL 60601 - 3220

Re: Corey Johnson v. Kane County Conservative Coalition, 14 CD 109

Dear Mr. Sandvoss:

Enclosed for consideration by you and the Board, please find Complainant's Brief in Support of the Hearing Officer's Recommendation and Complainant's Proposed Fine Schedule, in connection with the January 12, 2015 recommendation in the above-captioned case. Complainant requests the opportunity to appear for oral argument or to answer any questions from the Board. Please let me know if the Board will permit that and when the Board will be considering this matter.

Yours truly,

Josiah A. Groff

Encl.

cc: Corey Johnson (by email)
James Tenuto (by email)
Jon Zahm (by mail and email)
Dan Koukol (by mail and email)



FORM
D-4

COMPLAINT FOR VIOLATION OF
THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS AND TELEPHONE NUMBER:

Corey Johnson
2418 W. Indian Tr. #C
Aurora, IL 60506
(630) 907-1674

vs.

No. 14CD109

STATE BOARD OF ELECTIONS
14 JUN 10 PM 4:25

NAME AND ADDRESS OF RESPONDENT:

Kane County Conservative Coalition
P.O. Box 4
Batavia, IL 60510-0004

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE STATE BOARD OF ELECTIONS? ☒ Yes ☐ No

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)
Sections 9-9, 9-11(a)(4) and 9-11(a)(12)

SECTION 3. STATE THE NATURE OF THE OFFENSE(s) OR VIOLATION(s), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)
See attached

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT.

6/4/14
DATE

[Signature]
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

I, Corey Johnson HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

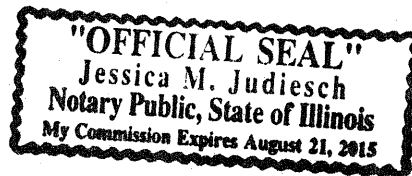
- a) BY PERSONALLY DELIVERING THE SAME ON THE ____ DAY OF _____, 20__ AT ____ O'CLOCK ____ M.
(NAME AND TITLE OF PERSON OR IF NAME IS UNKNOWN A PHYSICAL DESCRIPTION INCLUDING RACE, SEX, AND APPROXIMATE AGE).OR:
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 4th DAY June OF _____ 2014, AT THE MAIL BOX OR POSTAL STATION LOCATED AT: Aurora IL

SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 4th DAY OF June, 2014

Jessica M. Judiesch
NOTARY PUBLIC



INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS

2329 S MACARTHUR BLVD
SPRINGFIELD, ILLINOIS 62704-4503

STATE BOARD OF ELECTIONS

STE 14-100
100 W RANDOLPH ST
CHICAGO, IL 60601-3232

Section 3

A review of the attached material indicates that the expenditures alleged to have been made by the Kendall County Taxpayers for Good Government (hereafter "KCTGG") were made either partially or wholly by the Kane County Conservative Coalition (hereafter "Coalition").

The Coalition filed a Statement of Organization with the Illinois State Board of Elections on August 5, 2002. The Coalition reported revenues in excess of \$5,000 on or before June 30, 2004, although the threshold for filing at that time was \$3,000. As a result, the Coalition is subject to reporting contributions and expenditures per Sections 9-11(a)(4) and 9-11(a)(12) after reaching the threshold at that time.

Exhibit A is a direct mail piece allegedly produced by the KCTGG, although it fails to include the required disclosure statement per Section 9-9. Exhibit A includes the name, KCTGG, and the mailing address, P.O. Box 4, Batavia, IL 60510, which is the same mailing address as the Coalition. This mailing address has been used by the Coalition and its Chairman, Jon Zahm (hereafter "Chairman"), for other political endeavors. The fact that the Coalition and the KCTGG use the same mailing address is not mere coincidence. The KCTGG is either the same entity as the Coalition, or at best, a subsidiary of the Coalition created to skirt the Illinois Election Code and avoid disclosure requirements.

Despite the Coalition's name, its influence has not been limited to the geographic county included in its name. The Chairman both individually, and through the Coalition, has been actively involved in political campaigns in Kendall County. The attached exhibits provide just a small sampling of the connection to Kendall County. Exhibit B is a screen capture of the Chairman's support of the 2014 Republican Party nominee for Kendall County Sheriff. Exhibit C is an article quoting the Chairman about his support for the Kendall County Coroner. Exhibit D is an article citing the Chairman's involvement in a village president's campaign in Kendall County.

Exhibit E is a direct mail piece alleged to have been produced by the campaign of the Kendall County Clerk candidate (Dan Koukol) who opposed the candidate attacked in Exhibit A. Exhibit E also appears to have been produced by the same designer and printer as Exhibit A. Both Exhibits A and E are similar in layout design and language, and both were mailed by the same permit holder.

Exhibit E, similar in size and design to Exhibit A, presumably targets the same voters (2014 Republican Party Primary voters for the Kendall County Clerk) as Exhibit A. It is reasonable to think that the direct mail pieces were mailed to similar audiences and would have a similar cost for design, printing, and mailing. According to Exhibit F, the campaign disclosure from Friends of Koukol, the cost of Exhibit E was \$3,288.77. Based on this premise, Exhibit A would have a similar cost of approximately \$3,288.77.

Exhibit G, the first quarter filing from the Coalition, includes neither receipt nor expenditure in any amount close to \$3,288.77. The Coalition failed to report both the receipt of income needed to pay for the design, printing, and/or mailing Exhibit A; an in kind contribution from the Chairman or anyone else for the design, printing, and/or mailing of Exhibit A; or a direct expenditure from the Coalition to pay for the design, printing and/or mailing of Exhibit A in violation of the aforementioned disclosure provisions of the Illinois Election Code.

The issue at hand is not the Coalition's involvement in the campaign for Kendall County Clerk, but the failure to disclose that involvement through the "creation" of a separate entity in attempt to manipulate a loophole in the Election Code. In this case, the KCTGG is not a separate entity from the Coalition. It inhabits the same post office box as the Coalition. It involves at least one (if not more) of the same individuals, Chairman Zahm. It was involved in the same territory. It engages in the same methods of direct mail communication, even using the same bulk mail permit and printer and strikingly similar language and design.

This is not the first time that the Chairman has engaged in conspiring to create a sham committee prior to an election to skirt campaign disclosure laws. In 1998, a report from an Illinois State Board of Elections hearing officer, Mark Greben, detailed campaign finance disclosure violations involving the Chairman. Exhibit H is a copy of a newspaper article citing Greben's report and states that the Chairman conspired to skirt campaign spending laws by creating an organization shortly before an election to design and distribute a negative campaign flyer—similar to what was done in this case as alleged in this Complaint.

This activity violates the spirit and the letter of the laws regarding campaign disclosure. The state legislature enacted campaign disclosure legislation to promote transparency in political campaigns, not to allow for political action committees and their political operatives to create "one time only" shadow committees for engaging in negative attacks behind the cloak of secrecy.

This skirting of the law is exactly the kind of violation that the Illinois State Board of Elections is empowered to address, and this Complaint is a request that the action be investigated and punished as appropriate.

NOT ALL GOOD OLE' BOYS ARE BOYS! VOTER ALERT BEFORE YOU VOTE, READ THIS!

- KENDALL COUNTY HAS HAD ENOUGH OF ANNE VICKERY AND HER FAMILY!
- KENDALL COUNTY DOESN'T NEED CHICAGO INTERFERENCE IN OUR ELECTIONS!
- KENDALL COUNTY WANTS PEOPLE WE CAN TRUST!

This mailing is not paid for or authorized by any candidate or candidate's committee.

Paid for by Kendall County Taxpayers for Good Government
PO Box 4
Batavia, IL 60510

Psirt Std
US Postage
PAID
Glen Ellyn, IL
Permit No. 198

*****AUTO**SCH 5-DIGIT 60511 2

████████████████████
YORKVILLE, IL 60560-2356



A

A

It's Clear We Can't Support Debbie Gillette Anymore!

- Hand-picked by her relative, ousted Board Chair Anne Vickery to run for office. The same Anne Vickery who called a concerned citizen "stupid". (<http://youtu.be/tHgd0xdMIAg> @1:49)
- Opposed proposed legislation that would protect our kids by allowing schools to opt out of being used as polling places. (Ledger-Sentinel 4/18/2013)
- Gillette proposed an increase in taxes for transferring a Beneficial Interest in Real Estate. (County Board meeting 7/16/2013)
- Gillette put secret Grand Jury names on the County website.
- Gillette put thousands of Kendall County homeowner's Social Security numbers on the Internet.
- On March 1, 2014, Gillette took a \$1000 campaign donation from a Chicago Laborers District Council, the same group that donated over \$31,000 to the Kane County Democrat Central Committee. It also donated to other Democrats including Alexi Giannoulas, Jennifer Bertino-Tarrant and former Chicago Alderman Sandi Jackson, wife of disgraced Congressman Jesse Jackson Jr.

Why would the Republican Kendall County Clerk, our Chief Election Officer, accept money from Cook County Union Bosses?

Don't let the Cook County Political Machine into Kendall County.

Don't leave Gillette in charge of our private information and elections!

DON'T VOTE FOR GILLETTE.

For County Clerk and Recorder
(Vote for one)

DAN KOUKOL

DEBBIE GILLETTE

We can't afford Gillette and politicians like her anymore.
Vote NO on Debbie Gillette.

Contributed By	Address	Amount	Received By
Chicago Laborers District Council	999 McClintock Dr Ste 300 Burr Ridge, IL 60527	\$1,000.00 3/1/2014	1A Committee to Elect Debbie Gillette

DWIGHTBAIRD
KENDALL COUNTY SHERIFF

Home

Dwight's Plan

News

Donate

Endorsement

Jon Zahm

CONTACT US

VOLUNTEER NOW

DONATE



Jon Zahm

15pc

Political and Non-Profit
Consultant, Married Father of 3,
God, Family, Country. Evil will
triumph if good people do nothing-
E.Burke.

<http://t.co/ctj7esUf>

Follow @GoliathSlayer68 182 followers

***Paid for by Baird for Sheriff**

SIGN IN WITH FACEBOOK, TWITTER OR EMAIL.
CREATED WITH NATIONBUILDER - THEME BY TECTONICA

**Dwight Baird
for Kendall
County Sheriff**

HOME

DWIGHT'S PLAN

NEWS

DONATE

ENDORSEMENT



The First Ward

The straight scoop on Kane County politics and more!

October 27, 2012 / jeffnward

This is why you don't say incredibly stupid things like that

I know I've used humor to emphasize the abject stupidity and insensitivity of what Kendall County Coroner Ken Toftoy said to the Ledger-Sentinel this week, but there's a really good reason no responsible coroner should ever let his fricken' gums flap other than when they absolutely need to.

Before we continue, this is what Toftoy said:

(<http://thefirstward.files.wordpress.com/2012/10/toftoy3.jpg>)



"For less than a buck and a half I come to your house and take care of whatever might have happened – if it's a natural death or your dad hung himself in the garage."

And that really good reason is, a mere day before that BS was printed, a father and his four year-old son were found dead in their Yorkville garage of apparent carbon monoxide poisoning. You can read crack Beacon-News reporter Matt Hanley's story here (<http://beaconnews.suntimes.com/news/15966912-418/coroner-carbon-monoxide-factor-in-boy-fathers-death.html>).

Now, I don't know exactly when the Ledger-Sentinel interview took place, but Hanley quoted Toftoy as saying, "I've done this 20 years and I can't get this out my mind. Seeing that little guy sitting in the chair in his pajamas. . . . I had tears in my eyes when I was picking him up."

Yeah! Right!

If that tragedy came after the quote, he's simply an unlucky and insensitive clod. If he said after the fact, it's time to vote for his opponent.

On second thought, if he can't handle something this simple, then perhaps Kenndall County would be much better off with Mike Dabney.

Filed under Uncategorized

leave a comment

1.

Jon Zahm / Oct 27 2012 4:07 pm

The comment came before the incident. The comment is a simple calculation based on the population of Kendall County of 117,000 and the budget for the office being \$152,000. It was a statement that sounded insensitive but I can tell you, having known Ken Toftoy for over 20 years, he is a man with compassion and empathy. He was very moved by the Yorkville tragedy. I was with him shortly after he handled that death scene. The real story in this race is the abysmal professional and personal record of Mike Dabney. Go to <http://www.nodabney.com> to see him written up for 5 disciplinary actions in 10 months for his work as firefighter/paramedic. Also see at that web site his 2011 home foreclosure despite having a police pension and another full time

taxpayer paid job If he can't make his house payment how in the world can we expect him to manage a government office and budget?

reply

o

Kent Duffy / Oct 27 2012 5:23 pm

Everybody is a negative campaigner these days. Apparently it's not enough to espouse your candidate's accomplishments and record. Now you must eviscerate your opponent with personal attacks.

reply

o

jeffnward / Oct 27 2012 6:38 pm

Kent,

How on God's green earth is this a personal attack?

If I said Ken was overweight, that would be a personal attack. But for a duly elected public official to say what he said is beyond the pale. It's utterly unconscionable and Mr. Toftoy has lost a lot of elected official support for saying something that stupid

Ken needs to grow up, stop handing out badges, and fricken' think about what he he's gonna say before he says it. And if he can't to do something that fricken' simple then he needs to go home.

This is the problem with Republicans. They'll whine and moan endlessly about President Blackenstein, but they won't call out their own when they go so far over the line it isn't funny (Walsh, Mourdock, Aiken, Palin etc..). And then they wonder why they can't win national elections.

You want me to stop talking about Ken? Then stop making pathetic excuses and put a fricken' piece of duct tape over his mouth until the 6th if that's what you have to do.

What about having the cohones to issue a press release apologizing for being so fricken' insensitive?

Jeff

o

Kent Duffy / Oct 27 2012 6:46 pm

Jeff ,

Sorry for the misunderstanding. My comments were meant to be directed to Mr. Zham. I am in agreement with your opinion here.

2.

jeffnward / Oct 27 2012 6:51 pm

Kent,

Sorry! That was obviously my error! As Gilda Radner used to say – nevermind!

Perhaps I'm a little trigger happy because I'm rather unhappy with Mr. Zahm's threat to sue Patch (I write for them).

Again my apologies for misunderstanding your post.

See Ken! It's not that hard to apologize.

Jeff

reply

3. **Jon Zahm** / Oct 27 2012 10:59 pm

If any of the bloggers or reporters spent a minute doing some real research they would find out that at least 3 of the deputy coroner's assigned badges that Milliron is complaining about are individuals on call for disaster response. It is actually forward thinking to have individuals trained and ready to report to the scene for a multi-death tragedy. They do not carry concealed guns and they do not cost the county any money beyond the initial training class. Dabney is a huge risk as Coroner based on his disciplinary record. Toftoy has a clean record in this area.

reply

4. **stephen youhanaie** / Oct 28 2012 4:26 pm

Jon Zahm lives 3 counties away from Kendall County, and is a paid professional, by Ken Toftoy. Why does a 20 year incumbent hire a paid person. Something has gone arwy in the Kendall County Coroner's Office. I have my FOIA's in to a state agency...stay tuned.

reply

o **syohanaie** / Oct 28 2012 4:29 pm

oops, I forgot that Zahm's wife is paid by Tao Martinez, who is a long time friend of Toftoy. Funny thing, Zahm backs conservatives, but his wife works for hire for democrats....something fishy here?

reply

o **Jon Zahm** / Oct 28 2012 5:25 pm

Toftoy hires a professional to help his campaign because he wants to run a professional campaign and has campaign donors supporting him. Dabney could not even pay the mortgage on his family's home so he has to run an unprofessional campaign with amateurs. My wife is supporting the conservative Democrat in the Kane Coroner's race against a weak Republican who is completely under the control of the liberal, pay to play Republicans in the county like McConnaughay, Kenyon, Shepro, and Gauntt.

reply

o **syohanaie** / Oct 28 2012 6:09 pm

Hi Jon,
from an amateur volunteer for Dabney, Steve Youhanaie. You lost the primary, supporting Dr. Tamale. Rob Russell won. So you are so insulted that Dr. Tamale lost, you and your wife are working to defeat a Republican, so you can tell the world, "I TOLD YOU SO." It's that or you and your wife need the money. People need money, nowadays. Some resort to phony causes, or phony intimacies, and we call those who get paid by the same name. The word starts out like prosthetics, but ends differently.

o **Jon Zahm** / Oct 28 2012 9:15 pm

The Tiballi primary was one of the very few I did lose this year. He is a much better candidate than Russell and I know Jeff Ward would back me up on that. Now that you have called my wife a prostitute you have shown your true level of class. Why are you backing Russell? I know Jeff Ward is not. My wife does not need the money but thinks



Martinez is a better candidate than Russell. I am too busy with other campaigns to get into that one.

Blog at WordPress.com. Customized Paperpunch Theme.

Follow

Follow "The First Ward"

Powered by WordPress.com



Jon Zahm

From Wikipedia, the free encyclopedia

Jon Zahm is an Illinois Republican political and non-profit consultant. He has worked for socially conservative candidates, including as Rick Santorum's Illinois state director during the 2012 Republican Presidential Primaries.^[1]

Zahm earned a seat on the Henry County Board. He was elected in 2010 in a stunning upset, becoming the first representative elected from tiny Osco Township since 1978. Despite outpolling 8 of the 10 Democratic opponents, Zahm was narrowly defeated by 174 votes in 2012.^{[2][3]} Previously, Zahm was elected to the Kane County Regional School Board of Trustees in 2003, representing over 500,000 constituents in an area that included parts of five counties (Kane, DuPage, McHenry, DeKalb, and Kendall). In 2005, Zahm's colleagues elevated him to the position of President of the Regional School Board, a position he held until 2008, when he moved to Henry County. In 2009 Zahm earned election to the Orion CUSD School Board to a two year term, where he served until election to the Henry County Board in November of 2010, defeating 8 year incumbent Jim King. In 2013 Zahm was the top vote getter in a field of five elected to the Bureau, Henry, and Stark County Regional School Board in a region that includes seven counties total. Zahm holds that position today, for a term that does not expire until 2019.

Political Consulting Career

Zahm graduated Villanova University with a degree in Political Science in 1995. He has worked professionally on political campaigns since 1988. Zahm's consulting company is named "Goliath Slayer Communications."^[4] The name of the company reflects Zahm's Christian beliefs and his success record at winning "David vs. Goliath" style upset campaigns. Among the goliaths defeated by Jon's clients are a 44-year incumbent Kane County Circuit Clerk/County Board member, the 36-year Village President/Trustee of Gilberts, IL, the 28-year incumbent Mayor of South Elgin, IL, the 12-year Recorder of Kane County, IL, and 8-year Mayors of Barrington, Cortland, and Oswego, IL. Zahm is considered an expert in the area of opposition research. He created and authored the widely read NO Rauner blog that exposed many of the controversies about the Democrat-turned-Republican gubernatorial candidate (www.norauner.com). Zahm has worked on campaigns for former State Senator and current Kane County Board Chairman Chris Lauzen since 1991. Zahm has been associated with the conservative organization Family-PAC, based in Chicago, since 1992, serving as an Advisor and Field Director under the tutelage of Paul Caprio.

References

- ¹ ^ Lester, Kerry (9 March 2012). "Suburbanites are prime players in GOP presidential campaigns" (<https://www.dailyherald.com/article/20120309/news/703099939/>). *Daily Herald*. Retrieved 18 February 2014.
- ² ^ Carls, Mindy (4 November 2010). "Republicans win in Henry County" (<http://www.geneseorepublic.com/article/20101104/NEWS/311049824>). *Geneseo Republic*. Retrieved 18 February 2014.
- ³ ^ Boock, Doug (12 November 2012). "Obama is pick in Henry County, narrowly" (<http://www.galvanews.com/article/20121112/NEWS/121109158/1001/NEWS>). *GalvaNews.com*. Retrieved 18 February 2014.
- ⁴ ^ "About the President" (<http://goliathslayers.com/aboutus.html>). *GoliathSlayers.com*. Goliath Slayer Communications. Retrieved 18 February 2014.



Retrieved from "http://en.wikipedia.org/w/index.php?title=Jon_Zahm&oldid=601904873"

Categories: Living people | Illinois Republicans

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March 18, 2014

Friends of Dan Koukol
1690 Collins Road
Oswego, IL 60543

Prsrt Std
US Postage
PAID
Glen Ellyn, IL
Permit No. 198

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*****AUTO**SCH 5-DIGIT 60511 2

YORKVILLE, IL 60560-2356



Dan Koukol

Kendall County Clerk & Recorder

- ◆ Proven Leadership
- ◆ Proven Fiscal Responsibility
- ◆ Proven To Work For The People

Trust. This is not just a word to me. It's the word that will guide me in all my duties as your Kendall County Clerk & Recorder.

You can trust that-

- ◆ I will never post Social Security Numbers to the internet.*
- ◆ Your vote will be counted.
- ◆ I will protect personal military discharge records and will never leave those records on an open, public shelf.
- ◆ I will run the tightest financial ship humanly possible.
- ◆ I will guard your personal information to prevent ID theft.
- ◆ Transparency will be a given, not a talking point.

Please vote for me on March 18!

Thank you, Dan Koukol

* The incumbent Clerk & Recorder posted @20,000 SSN's to the internet on a public website. (Ledger-Sentinel 2/9/2012) 107

Friends of Dan Koukol

D-2 Quarterly Report

1/28/2014 to 3/31/2014

This report has 8 itemized Expenditures totaling \$13,439.24

Received By	Address	Amount	Expended By	Purpose / Beneficiary	Print this list
D K Trailer & Tractor	3485 Illinois 126 Oswego, IL 60543	\$9,000.00 3/31/2014	Expenditure Friends of Dan Koukol	Bus rental Friends of Kan Koukol	
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$241.80 3/3/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol	
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$241.80 2/24/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol	
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$143.06 2/3/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol	
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$143.06 2/17/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol	
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$76.00 2/10/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol	
Kendall County Record Inc	222 S Bridge St Yorkille, IL 60560	\$305.75 3/10/2014	Expenditure Friends of Dan Koukol	Advertising - newspaper Friends of Kan Koukol	
Premier Mailing and Printing	4551 Route 71 Oswego, IL 60543	\$3,287.77 3/7/2014	Expenditure Friends of Dan Koukol	Printing and Mailing Friends of Kan Koukol	

Records 1 to 8 of 8

[Return to Previous Page](#)



PUBWEB2

(G)



FORM D-2	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)		FOR OFFICE USE ONLY STATE BOARD OF ELECTIONS 14 APR 15 PM 4:11
	<input type="checkbox"/> Quarterly Report: (check one) <input checked="" type="checkbox"/> 1 st , <input type="checkbox"/> 2 nd , <input type="checkbox"/> 3 rd , <input type="checkbox"/> 4 th <input type="checkbox"/> Final Report <input type="checkbox"/> Amendment of the Report Indicated Above		
Full name and complete mailing address of Political Committee: Kane County Conservative Coalition PO Box 4 Batavia, IL 60510-0004			POLITICAL COMMITTEE Committee ID: 16931 06
e-mail address: _____			<input type="checkbox"/> CHECK IF ADDRESS CHANGE
REPORTING PERIOD 1/1/14 3/31/14 FROM THRU		CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ 103 ⁵⁰ Repeat this amount in SECTION D line (A).	IDENTIFICATION No. ALL POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS 2329 S MACARTHUR BLVD SPRINGFIELD, IL 62704-4503 OR STATE BOARD OF ELECTIONS JAMES R. THOMPSON CENTER 100 W RANDOLPH ST. STE 14-100 CHICAGO, IL 60601-3232

SECTION A - RECEIPTS

- Individual Contributions
 - Itemized (from Schedule A): \$ 0 (1a)
 - Not-Itemized: \$ 0 (1b)
 - Transfers In
 - Itemized (from Schedule A): \$ 0 (2a)
 - Not-Itemized: \$ 0 (2b)
 - Loans Received
 - Itemized (from Schedule A): \$ 0 (3a)
 - Not-Itemized: \$ 0 (3b)
 - Other Receipts
 - Itemized (from Schedule A): \$ 0 (4a)
 - Not-Itemized: \$ 0 (4b)
- TOTAL RECEIPTS (1a thru 4b)** \$ 0

- In-Kind Contributions
 - Itemized (from Schedule I): \$ 0 (5a)
 - Not-Itemized: \$ 0 (5b)
- TOTAL IN-KIND (5a+5b)** \$ 0

Name & address of person submitting this report if other than the committee's chairman or treasurer:

VERIFICATION

I DECLARE THAT THIS QUARTERLY REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE STATEMENT IS SUBJECT TO A CIVIL PENALTY OF AT LEAST \$1001 AND UP TO \$5000.

SIGNATURE OF COMMITTEE'S TREASURER OR CANDIDATE ONLY
 THIS FORM MAY BE REPRODUCED

SECTION B - EXPENDITURES

- Transfers Out
 - Itemized (from Schedule B): \$ 0 (6a)
 - Not-Itemized: \$ 0 (6b)
 - Loans made
 - Itemized (from Schedule B): \$ 0 (7a)
 - Not-Itemized: \$ 0 (7b)
 - Expenditures
 - Itemized (from Schedule B): \$ 0 (8a)
 - Not-Itemized: \$ 31⁰⁰ (8b)
 - Independent Expenditures
 - Itemized (from Schedule B-9): \$ 0 (9a)
 - Not-Itemized: \$ 0 (9b)
- TOTAL EXPENDITURES (6a thru 9b)** \$ 31⁰⁰

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

- Itemized (from Schedule C): \$ 0 (10a)
 - Not-Itemized: \$ 0 (10b)
- TOTAL DEBTS & OBLIGATIONS:** \$ 0

SECTION D - CASH BALANCE

- Cash available at the beginning of the reporting period: \$ 103⁵⁰ (A)
- Total Receipts from Section A: \$ 0 (B)
- Total Cash (A) plus (B): \$ 103⁵⁰ (C)
- Total Expenditures from Section B: \$ 31⁰⁰ (D)
- Funds available at the close of the reporting period (C) minus (D): \$ 72⁵⁰ (E)
- INVESTMENTS TOTAL: \$ 0 (F)

4/5/14

DATE

REVISED 1/1/11

116 of 140 DOCUMENTS

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Chicago Daily Herald

April 08, 1998, Wednesday, Fox Valley, Tricities

SECTION: News; Pg. 6

LENGTH: 584 words

HEADLINE: Campton Twp. trustee broke laws, state says Election board recommends criminal prosecution

BYLINE: Eric Krol Daily Herald Staff Writer

BODY: A state board of elections hearing officer found a Campton Township trustee purposefully skirted campaign finance laws as part of his bid for office last spring.

The officer's report blasts Campton Township Trustee Richard Reinke for failing to disclose campaign contributions and expenditures on time and accuses him of filing a false report when he finally did so.

The hearing officer, Mark Greben, recommends the state elections board turn over the case to the Kane County State's Attorney or Illinois Attorney General for criminal prosecution.

Beyond that it remains unclear what, if any, other penalties the board might levy against Reinke. Under state election law, the board can issue a fine of up to \$ 1,000.

(H)

The report, which the elections board will discuss Monday in Springfield, comes after a late February public hearing into a complaint filed against Reinke by Edward Schreiber, a candidate he defeated in the trustee race April 1, 1997.

Among other things, Schreiber told election officials Reinke failed to file campaign finance disclosure reports on time and didn't disclose all of his donations.

Greben's recommendation to the election board substantiates virtually all of Schreiber's complaint.

Greben said the evidence shows Reinke purposefully ignored a deadline to file a statement of organization for his political action committee. Reinke filed the document with the state July 7, well past an April deadline.

The report also took Reinke to task for failing to meet a state requirement to report within two days contributions of \$ 500 or more made in the closing weeks of the campaign.

The most serious charge in Greben's report, however, is Reinke conspired with his campaign manager, Jon Zahm, and the owner of a well-known political flier mailing business to skirt campaign spending laws.

At the February hearing, Schreiber questioned the origin of a highly negative flier put out just days before the election by an organization called Citizens for a Better Campton, which actually was made up of only Zahm.

Schreiber provided records showing Zahm's flier was paid for on the same day to the same company for the same number of fliers as a separate flier Reinke sent out earlier in the campaign. While Reinke's flier cost about \$ 4,000, Zahm's flier cost just \$ 995 - \$ 5 below the amount that would have required Zahm to report it to the state.

Greben agreed with Schreiber's argument that Zahm, Reinke and the owner of the flier-mailing business, Roger Stanley, "embarked on a path of deception" to violate campaign disclosure law.

Reinke was out of town, and his attorney declined comment, saying he had yet to discuss the report with Reinke.

Zahm denied any conspiracy took place, reiterating his claim that Reinke had nothing to do with the negative flier. Zahm also unloaded a barrage of criticism on Greben, calling his report rife with "spelling errors and inaccuracies."

"I would have to call the capability and professionalism of this hearing officer into question," Zahm said.

Schreiber called the report an "unequivocal indictment" of the campaign tactics Reinke and Zahm used.

"I think the evidence has clearly shown this was not a case of sour grapes," Schreiber said. "I've said from the beginning that this case is about honesty, openness and following election law."

Greben also recommended to the elections board that it order an investigation into Zahm and Stanley. Stanley could not be reached for comment.

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

In the Matter of:

Corey Johnson,)	
Complainant,)	
)	
)	14 CD 109
vs.)	
)	
Kane County Conservative Coalition,)	
Respondent(s).		

RECOMMENDATION OF THE HEARING EXAMINER
TO THE GENERAL COUNSEL FOLLOWING
CLOSED PRELIMINARY HEARING

I. ALLEGATIONS

This Complaint alleges the Respondent violated the following provisions of the Illinois Campaign Financing Act (the "Act"):

- a. 10 ILCS 5/9-9 – Requires a political committee to include notice on all literature and advertisement soliciting funds.
- b. 10 ILCS 5/9-11(a)(4) – Requires a political committee to disclose name of anyone who contributed over \$150.00.
- c. 10 ILCS 5/9-11(a)(12) – Requires a political committee to disclose the name of the recipient of any expenditure in excess of \$150.00.

The Complaint was filed on June 10, 2014, and James Tenuto was appointed Hearing Examiner. A Closed Preliminary Hearing was held on July 9, 2014, in the Chicago office of the State Board of Elections.

II. CLOSED PRELIMINARY HEARING

A. Preliminary Matters

Present was Complainant Corey Johnson, and his attorney, Josiah A. Groff. No one appeared on behalf of the Respondent. The State Board of Elections had a receipt marked "unclaimed" certified mail in regards to the notices sent to the Respondent. Furthermore, the Complainant indicated he sent a copy of the complaint to the Respondent by regular mail on June 4, 2014. The Complaint was not returned to Corey Johnson.

The Closed Preliminary Hearing proceeded based on the representations of the Complainant and the "Unclaimed" receipt. To not proceed would "reward" and encourage Respondents who decline to accept certified mailings.

B. States Exhibits

Complainant Exhibit F, attached to the D-4 Complaint, is the D-2 filing by Friends of Dan Koukol for the period January 23, 2014, through March 31, 2014. Attention is directed to a \$3,287.77 expenditure to Premier Mailing and Printing on March 7, 2014. This is submitted to demonstrate that Exhibit A, which is similar to Exhibit E and would have targeted the same voters, would have cost the Respondent approximately \$3,200. Nevertheless, neither a receipt nor expenditure is reported by the Respondent in Exhibit G. Furthermore, it is noted that Exhibit A and Exhibit E bear the same permit number, to wit, #198 which is a Glen Ellyn address.

Complainant also alleges that the notice provisions of Section 9-9 have been violated because the only reference on Exhibit A is the return address which states "Paid for by Kendall County Taxpayers for Good Government." It is suggested the mailing was orchestrated by Respondent Kane County Conservative Coalition whose name should have appeared on the mailing.

The Complainant suggests that Kendall County Taxpayers for Good Government is actually either Kane County Conservative Coalition or a subsidiary of the Respondent. As it appears the two groups are one and the same. Complainant asserts that KCCC should have reported a contribution and corresponding expenditure related to the estimated cost to produce Exhibit A.

Complainant's Exhibits numbers 1, 2 and 3 were admitted into evidence.

D. Respondent's Case in Chief

No one appeared on behalf of the Respondent.

III. DISCUSSION

The purpose of the Closed Preliminary Hearing is to determine if the Complaint is filed upon justifiable grounds. The standard of justifiable grounds is less than the burden of proof at the Public Hearing. Nevertheless, justifiable grounds can be a difficult standard to meet because the Complainant lacks subpoena power.

For the reasoning to follow it is the recommendation of the Hearing Examiner that the Complainant's testimony, Exhibits attached to the Complaint and the Exhibits submitted at the Closed Preliminary Hearing support the conclusion the complaint is filed upon justifiable grounds and the matter should proceed to a Public Hearing.

Initially, the evidence must be reviewed to determine if a relationship exists between Respondent Kane County Conservative Coalition and Kendal County Taxpayers for Good Government. There exist too many similarities to attribute to coincidences.

Exhibit A and Exhibit E share common traits that support the existence of a relationship between KCCC and KCTGG. For example, both Exhibits target the same race as well as the same voting bloc. Additionally, the two Exhibits are very similar in design and size. More significantly, the return address on Exhibit A of Kendall County Taxpayers for Good Government, P.O. Box 4, Batavia, Illinois, 60510 is the same address on Exhibit E, to wit, P.O. Box 4, Batavia, Illinois 60510. The only difference is that Exhibit E was generated by Dan Koukol who was the candidate who opposed the candidate attacked in Exhibit A. Furthermore, both mailings bear Permit Number 198.

It should be noted that the Complainant does not allege any wrongdoing by Candidate Dan Koukol or Friends of Dan Koukol. The expenditure set forth in Exhibit F is intended to estimate the cost incurred to produce Exhibit A.

The remaining Exhibits demonstrate that Jon Zahm has had an interest in supporting candidates in Kendall County as well as other counties besides Kane County.

Thus, the Complainants have established possible violations of Sections 9-11(a)(4) and 9-11(a)(12) by KCCC not disclosing the source of the contribution and the recipient of the expenditure incurred to produce Exhibit A.

It can be argued that Exhibit A was produced by the Kendall County taxpayers for Good Government as a cost of approximately \$3,200. Thus, KCTGG did not exceed the \$5,000 threshold which would trigger a filing requirement. However, for the reasons set forth above, there are too many coincidences to support that conclusion.

Finally, Complainants allege a violation of Section 9-9 because Exhibit A does not contain the notice which must appear on all literature and advertisements soliciting funds, to wit, "copy of report filed with State Board of Elections, etc." Exhibit A, however, does not appear to be a solicitation of funds. Thus, it must be concluded there is no violation of Section 9-9.

On the other hand, Section 9-9.5 requires any political committee that makes an expenditure for a circular, etc., directed at voters and mentioning the name of a candidate in the next upcoming election shall disclose the name of the political committee paying for the communication. In this instance, Exhibit A does not solicit funds, but it does attack Debbie Gillette, the candidate opposed by Dan Koukol. Exhibit A does state in the return address "Paid for by Kendall County Taxpayers for Good government." However, it appears that Exhibit A was generated by Kane County Conservative Coalition rather than Kendall County Taxpayers for Good government. Accordingly, the Respondent has allegedly violated Section 9-9.5 by failing to properly disclose the payor.

IV. FINDINGS OF FACT

1. Kane County Conservative Coalition failed to claim notices of Appointment of Hearing Examiner and Closed Preliminary Hearing sent via certified mail by the State Board of Elections. Said notices were "unclaimed." (See SBE Exhibit #2).
2. Respondent did receive Notice of the D-4 Complaint from the mailing sent via regular mail to the address listed on the most recent D-2. The D-4 Complaint was not returned to the Complainant.
3. The State Board of Elections has jurisdiction over the parties.
4. KCCC has been an ongoing political committee on file with the State Board of Elections since its establishment in 2002.
5. Jon Zahm is the Chairman and Treasurer of the Kane County Conservative Coalition.
6. Exhibit A was allegedly mailed by the Kendall County Taxpayers for Good Government.
7. Respondent and Kendall County Taxpayers for Good Government have the same post office box and mailing address.
8. Jon Zahm and KCCC are both active in political campaigns in Kendall County – at county and local levels.

9. KCTGG opposed candidate Debbie Gillette who ran against Dan Koukol in the March, 2014 General Primary election seeking the Republican nomination for Kendall County Clerk and Recorder.
10. Complainant does not allege any wrongdoing by the Friends of Dan Koukol political committee.
11. Exhibit E, generated by Friends of Dan Koukol, is similar in design to Exhibit A, targets the same voting group, and bears the same bulk permit #198. Exhibit E is offered to show an estimate of the cost incurred to produce Exhibit A.
12. According to the D-2 filing by Friends of Dan Koukol, it can be assumed Exhibit E cost approximately \$3,200.
13. The return address on Exhibit A (allegedly generated by KCTGG) is the same address listed for KCCC, to wit, P.O. Box 4, Batavia, Illinois.
14. There are too many similarities between Kane County Conservative Coalition and Kendall County Taxpayers for Good Government to be considered a "coincidence."
15. Exhibit A was generated either by KCCC or KCTGG.
16. If Exhibit A was generated by KCCC, the D-2 should have reported a receipt and corresponding expenditure.
17. KCCC and KCTGG appear to be either the same entity or one is a subsidiary of the other.
18. If Exhibit A was generated by Kane County Conservative Coalition rather than Kendall County Taxpayers for Good Government, then Complainant has established possible violations of Section 9-11(a)(4), Section 9-11(a)(12) and Section 9-9.5.

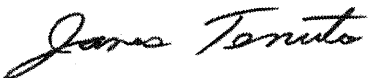
V. RECOMMENDATION

For the reasons set forth above, it is the finding of the Hearing Examiner that the following sections have been violated by Respondent Kane County Conservative Coalition: Section 9-9.5, Section 9-11(a)(4), and Section 9-11(a)(12).

It is the Recommendation of the Hearing Examiner that the Board find as follows:

- (1) The Complaint has been filed upon justifiable grounds, and;
- (2) The matter should proceed to a Public Hearing.

Respectfully submitted,



James Tenuto, Hearing Examiner
August 12, 2014

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

2329 S MacArthur Blvd.
PO Box 4187
Springfield, Illinois 62704
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James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
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Aurora, IL 60506

NOTICE TO PARTIES

Dear Political Committee Officer/Representative,

Please be advised that your pending Complaint for Violation of the Campaign Disclosure Act, case number 14 CD 109 will be presented to the Board at its August 2014 meeting. Attached for your review is a copy of the Hearing Examiner's recommendation in the matter. **Please be aware that the enclosed recommendation is the Hearing Examiner's opinion only, and will not necessarily be the final decision by the Board. Failure of the complainant to appear at the Board meeting may result in dismissal of the complaint.**

The meeting will begin at 10:30 A.M. on Friday, August 22, 2014 and will be held in the James R Thompson Center, 100 W Randolph, Suite 9-040, Chicago IL. You may also attend the meeting via Video Conference at our Springfield office, located at 2329 S MacArthur Blvd., Springfield IL.

Any Motions regarding this matter must be made in writing and received by the General Counsel no later than four (4) days before the date of the meeting. If you have any further questions please feel free to contact our office.

Sincerely,

Sharon Steward, Director
Division of Campaign Disclosure

SS:sk

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DATE & TIME	STATUS OF ITEM	LOCATION
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Your item was delivered at 2:18 pm on June 17, 2014 in AURORA, IL 60506.		
June 14, 2014 , 2:36 am	Departed USPS Facility	FOX VALLEY, IL 60599
June 13, 2014 , 8:19 pm	Arrived at USPS Facility	FOX VALLEY, IL 60599
June 12, 2014 , 11:33 pm	Departed USPS Facility	SPRINGFIELD, IL 62703
June 12, 2014 , 8:12 pm	Arrived at USPS Facility	SPRINGFIELD, IL 62703
June 12, 2014 , 3:19 pm	Acceptance	SPRINGFIELD, IL 62703

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William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

EXECUTIVE DIRECTOR
Rupert T. Borgsmiller
August 13, 2014

Kane County Conservative Coalition
PO Box 4
Batavia, IL 60510

NOTICE TO PARTIES

Dear Political Committee Officer/Representative,

Please be advised that your pending Complaint for Violation of the Campaign Disclosure Act, case number 14 CD 109 will be presented to the Board at its August 2014 meeting. Attached for your review is a copy of the Hearing Examiner's recommendation in the matter. **Please be aware that the enclosed recommendation is the Hearing Examiner's opinion only, and will not necessarily be the final decision by the Board. Failure of the complainant to appear at the Board meeting may result in dismissal of the complaint.**

The meeting will begin at 10:30 A.M. on Friday, August 22, 2014 and will be held in the James R Thompson Center, 100 W Randolph, Suite 9-040, Chicago IL. You may also attend the meeting via Video Conference at our Springfield office, located at 2329 S MacArthur Blvd., Springfield IL.

Any Motions regarding this matter must be made in writing and received by the General Counsel no later than four (4) days before the date of the meeting. If you have any further questions please feel free to contact our office.

Sincerely,

Sharon Steward, Director
Division of Campaign Disclosure

SS:sk

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

In the Matter of:

Corey Johnson,)	
Complainant,)	
)	
)	14 CD 109
vs.)	
)	
Kane County Conservative Coalition,)	
Respondent(s).)	

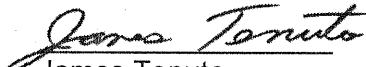
NOTICE

TO: Mr. Josiah A. Groff
Attorney for Complainant
Via email: JGroff@dbb-law.com

And
Kane County Conservative Coalition
P.O. Box 4
Batavia, IL 60510-0004
Via: Regular Mail and email: Kaneconservative@gmail.com

Please be advised that on August 12, 2014, I caused to be served on the parties by the method set forth above with the **Recommendation of the Hearing Examiner to the General Counsel Following Closed Preliminary Hearing.**

The parties are advised this matter will be addressed at the regularly scheduled board meeting of the State Board of Elections in the James R. Thompson Center, 100 West Randolph St., Shared Conference Room 9-040, Chicago, Illinois 60601 on **FRIDAY, August 22, 2014**, at 10:30 a.m. Attendance in Chicago requires production of government issued identification and security screening - please allow for extra time. Parties may also attend by video conference at the Board's principal office at 2329 S. MacArthur Blvd., Springfield, Illinois.


James Tenuto
Hearing Examiner



FORM

D-1

STATEMENT OF ORGANIZATION

PLEASE TYPE OR PRINT IN BLACK INK

RECEIVED

2002 AUG -2 PM 12:44

Full name and complete mailing address of Political Committee

Kane County Conservative Coalition
P.O. Box 854
Batavia, IL 60510

THIS FORM MAY BE
TRANSMITTED BY FAX.
THE ORIGINAL MUST BE
FORWARDED ON THE DAY
OF FAX TRANSMITTAL.

FOR OFFICE USE ONLY

IDENTIFICATION NO.

L-11135-14

☐ CHECK IF ADDRESS CHANGE

SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS

1. DATE COMMITTEE CREATED

July 26, 2002

2.

AMOUNT OF FUNDS AVAILABLE FOR CAMPAIGN
EXPENDITURES AS OF THE DATE THE
COMMITTEE WAS CREATED \$ 5.00

3.

☒ NEW COMMITTEE☐

AMENDMENT

(MUST BE FILED WITHIN 10 DAYS OF ANY CHANGES)

4.

POLITICAL COMMITTEE'S AREA OF ACTIVITY, SCOPE AND PARTY AFFILIATION

A — ☐ STATE POLITICAL COMMITTEE☐ STATE & LOCAL POLITICAL COMMITTEE☒ LOCAL POLITICAL COMMITTEEB — IF THIS IS A LOCAL OR A STATE AND LOCAL POLITICAL COMMITTEE, PLEASE LIST THE COUNTY OR
COUNTIES IN WHICH IT WILL OPERATE:

Kane County

C — THIS COMMITTEE WILL PRIMARILY ☒ SUPPORT ☐ OPPOSE CANDIDATES FOR LOCAL OR STATE OFFICED — THIS COMMITTEE WILL ☐ SUPPORT ☐ OPPOSE QUESTIONS OF PUBLIC POLICY

E — POLITICAL PARTY AFFILIATION NONE

F — COUNTY OF RESIDENCE OF CANDIDATE

5.

PURPOSE(S) OF THE POLITICAL COMMITTEE: * To support men and women for public office
who best represent conservative social and fiscal values while
conducting themselves ethically and responsibly

6.

CANDIDATE(S) THE COMMITTEE IS SUPPORTING OR OPPOSING *

NAME AND STREET ADDRESS	SUPPORT	OPPOSE	OFFICE	PARTY AFFILIATION
N/A (Variable)				

* IF MORE SPACE FOR INFORMATION IS REQUIRED, PLEASE ATTACH ADDITIONAL SHEETS

(THIS FORM MAY BE REPRODUCED)

Printed on Recycled Paper

NAME OF POLITICAL COMMITTEE	IDENTIFICATION NUMBER
Kane County Conservative Coalition	L-11135

7.	REQUIRED COMMITTEE OFFICERS *
----	-------------------------------

POSITION	NAME	STREET ADDRESS AND PHONE NUMBER
CHAIRMAN	Jon A. Zahm	41 W 409 Route 20 Hampshire IL 60
TREASURER	Douglas R. Jones	142 S. Lake St. Aurora IL 605

8.	POSITION, NAME AND ADDRESS OF EACH CUSTODIAN OF THE COMMITTEE'S BOOKS AND ACCOUNTS *
----	--------------------------------------------------------------------------------------

POSITION	NAME	STREET ADDRESS
Treasurer	Douglas R. Jones	P.O. Box 1841, Aurora IL 6050

9.	LIST OF ALL FINANCIAL INSTITUTIONS AND OTHER REPOSITORIES OF COMMITTEE FUNDS * (IF AMENDING, LIST ALL AS OF TODAY'S DATE) *
----	--------------------------------------------------------------------------------------------------------------------------------

NAME	ADDRESS
Kane County Teacher's Credit Union	87 N. Airlite St. Elgin IL 60123

10.	DISPOSITION OF RESIDUAL FUNDS IN THE EVENT OF DISSOLUTION OR TERMINATION OF THE COMMITTEE
	<input type="checkbox"/> RETURN TO CONTRIBUTORS IN AMOUNTS NOT TO EXCEED THEIR INDIVIDUAL CONTRIBUTION <input type="checkbox"/> TRANSFER TO ANOTHER POLITICAL COMMITTEE <input checked="" type="checkbox"/> TRANSFER TO A CHARITABLE ORGANIZATION <u>LIFE Center (Elgin)</u>

VERIFICATION

I DECLARE THAT THIS STATEMENT OF ORGANIZATION HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE IS A TRUE, CORRECT AND COMPLETE STATEMENT OF ORGANIZATION AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE STATEMENT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT.

Jon A. Zahm 8-1-02
SIGNATURE OF TREASURER OR CANDIDATE (Chairman) DATE

THE ILLINOIS STATE BOARD OF ELECTIONS IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 78-1183. DISCLOSURE OF THIS INFORMATION IS REQUIRED. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN A FINE UP TO \$1,000.00. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM ACT.

STATE POLITICAL COMMITTEE
RETURN TO:
STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET
P.O. BOX 4187
SPRINGFIELD, IL 62708

LOCAL POLITICAL COMMITTEES AND
STATE AND LOCAL POLITICAL COMMITTEES
RETURN ORIGINAL TO:
STATE BOARD OF ELECTIONS
AND COPY TO:
APPROPRIATE COUNTY CLERK

REVISED JULY 1, 1993

STATE BOARD OF ELECTIONS
2329 S. MacArthur Blvd
Springfield, Illinois 62708
217/782-4141

Sharon Steward

Director, Campaign Disclosure Division

To: Steven S. Sandvoss, Executive Director, Members of the Board

Re: Payment of Civil Penalty Assessments - Informational

Date: February 6, 2015

The following committees have made payment of outstanding civil penalties for the period 1/09/2015 - 2/06/2015

- Friends to Elect Andrew R. Timms - \$636.85
- Friends of Lynn Scott Pearson - \$75.00
- Committee to Elect Michael O'Malley - \$825.00
- State of IL Medical Alliance for the Survival of Healthcare - \$150.00
- 19th Ward Democratic Org. - \$250.00
- Will Kyles Committee - \$5000.00
- Citizens to Elect Eric Kellogg - \$72,750.00
- Citizens for Cynthia Santos - \$455.00
- Friends of Kelvin Oliver - \$1925.00
- Equal Justice Party - \$300.00 (6.30 credit card fee)
- Friends of Jim Hickey - \$225.00
- Warren County Democrats Party - \$150.00
- Rich Township Democratic Org. - \$200.00
- Chicago & Cook County Building & Construction Trades Council - \$795.00
- Macon County Democratic Central Committee - \$375.00
- McLean County Sales Tax Referendum - \$1328.00

TOTAL : \$85,439.85

Year to Date Totals:

01/09/15 to 2/6/14: \$85,439.85

STATE BOARD OF ELECTIONS

STATE OF ILLINOIS

2329 S. MacArthur Blvd
Springfield, Illinois 62704-4503
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 W. Randolph St, Ste 14-100
Chicago, Illinois 60601-3232
312/814-6440
Fax: 312/814-6485



EXECUTIVE DIRECTOR
Steven S. Sandvoss

BOARD MEMBERS
Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

To: Chairman Smart, Vice Chairman Scholz, Members of the Board
Executive Director Steven S. Sandvoss

From: Kenneth R. Menzel, General Counsel

Re: General Counsel's Preliminary Review of Two Administrative Complaints Alleging
Violations of Title III of HAVA:
Cynthia Panizzi v. Bureau County, 15 HAVA 1, and
Marla Michalak v. Bureau County, 15 HAVA 2

Date: February 5, 2015

On January 28, 2015, we received two administrative complaints alleging violations of Title III of HAVA (the "Help America Vote Act" 42 USC 15301 et seq.) relating to the conduct of the November 4, 2014 General Election in two precincts in Bureau County.¹ Both complaints allege that the polling places in question were set up and administered so as to deprive physically disabled voters of the opportunity to cast their votes with the same level of privacy as other voters. Specifically, both complaints allege that the accessible booths were set up without the typical privacy panels and in locations that compromised the secrecy of disabled voters' ballots. The Panizzi complaint additionally alleges that the direct recording electronic voting machine in her polling place was unavailable for use due to the election judges' inability to locate the key card to activate it.

Upon receipt of a HAVA complaint against an Election Authority, the General Counsel must perform a preliminary review to determine whether it meets the following requirements: (a) it alleges a violation under Title III of HAVA, (b) it pertains to a federal election and (c) the complaint states sufficient facts as to constitute a cause of action under the Act for which the SBE can grant appropriate relief (26 Ill. Adm. Code 150.30(b)(1)). I have determined that that all 3 criteria are met by the complaints:

- A. Section 301(a)(3)(A) of HAVA (42 USC 15481(a)(3)(A)) requires that voting systems used in federal elections "be accessible for individuals with disabilities ... in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters".
- B. The November 4, 2014 General Election was a federal election.


¹ Such complaints are heard by the SBE pursuant to Title 26, Chapter I, Part 150 of the Illinois Administrative Code.

- C. The complaints allege that the set up and administration of the respective polling places were in violation of Section 301(a)(3)(A) as quoted above, so as to constitute causes of action under Title III of HAVA.

Both complaints request hearings. When a complaint requests a hearing, 26 Ill. Adm. Code Section 150.65 requires the General Counsel to appoint a Hearing Examiner. I have appointed James V. Tenuto to serve as the Hearing Examiner for both complaints. Mr. Tenuto will be consolidating the complaints for further proceedings.

A final determination on a HAVA complaint heard by the SBE is due within 90 days of the complaint's filing (i.e. by April 28, 2015). We anticipate presenting the matter to the Board no later than the April 21, 2015 meeting.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ken R. Menzel", written over a horizontal line.

Kenneth R. Menzel, General Counsel

HAVA Title III Complaint

Complainant:

Cynthia Panizzi
902 E. Cleveland St.
Ladd, IL 61329
Phone Number: 815-993-2812

Respondent:

Bureau County Clerk
700 South Main Street
Room 104
Princeton, Illinois 61356

Pursuant to 26 Ill. Admin Code 150, I am filing a complaint under section Title III of the Help America Vote Act ("HAVA"), 42 USC 15301 et seq.

1. I, Cynthia Panizzi, am a registered voter in Bureau County, Illinois.
2. I am a person with a disability. I have cerebral palsy and use a power chair to assist with mobility.
3. On November 4, 2014, I went to vote at my polling place around 8:35am, located at 314 South Bureau Street, Ladd, Illinois in Bureau County.
4. After going through the check-in line, I asked if the electronic voting machine was working. The election judges informed me it was plugged in, therefore I drove up to it and my co-worker accompanied me. After trying awhile, we adjusted the machine it enough so I could hold it up with one hand and vote with the other. We then realized I needed to insert a card so the machine would start. We asked the election judges for the card. The machine had not been used yet, so they tried to locate the card.
5. After waiting several minutes for the card to be located and concerned that it was taking too much time, we asked about the accessible voting booth and they directed me to the far side of the room where tables were set up and no people were present. Although there was no one close to me while I voted, I had no privacy walls as other voters do.
6. HAVA Sec 301(a)(3)(A) states that the voting system shall "be accessible for individuals with disabilities . . . in a manner that provides the same opportunity for access and participation (including privacy and independent) as for other voters."

7. I feel that this provision was violated because I had to vote out in the open without any privacy walls, as other voters have.
8. HAVA Sec 301 (a)(3)(B) states that the voting system shall "satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place".
9. I feel that this provision was violated because I was not able to use the electronic voting system because the judges could not locate the card to operate the machine.
10. I am not requesting a hearing on the record before the State Board of Elections.

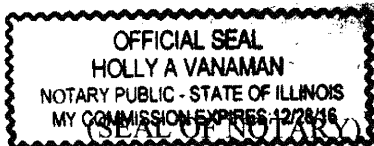
Verification

"I declare that this complaint (including any accompanying exhibits and statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint as required by Section 402 of the Help America Vote Act."

Cynthia Panizzi
Cynthia Panizzi

Signed and sworn to (or affirmed) by Cynthia Panizzi before me on this 26th day of January 2015

Holly A Vanaman
Signature of Notary Public



HAVA Title III Complaint

Complainant:

Marla Michalak
419 W. Erie St. Apt. 516
Spring Valley, IL 61362
Phone Number:
Fax Number:

Respondent:

Bureau County Clerk
700 South Main Street
Room 104
Princeton, Illinois 61356

Pursuant to 26 Ill. Admin Code 150, I am filing a complaint under section Title III of the Help America Vote Act ("HAVA"), 42 USC 15301 et seq.

1. I, Marla Michalak, am a registered voter in Bureau County, Illinois.
2. On November 4, 2014, at approximately 12:00 p.m., I went to my polling place, Hall 2 Precinct in Bureau County, located at the City Hall, 215 N Greenwood St., Spring Valley, Illinois, to vote.
3. I asked to use the electronic voting machine. After a 5 - 10 minute wait while the election judges figured out how to get the card ready that I needed to use the machine. I was able to use the machine to cast my vote.
4. The electronic voting machine was located near the door, actually facing the door and had no privacy panels around it, as the other voting booths do. As new voters arrived, they had to file past me while I was voting, some asking me questions. Anyone standing near me or behind me could have read how I was casting my ballot.
5. HAVA Sec 301(a)(3)(A) states that the voting system shall "be accessible for individuals with disabilities . . . in a manner that provides the same opportunity for access and participation (including privacy and independent) as for other voters." HAVA Sec 301 (a)(3)(B) states that the voting system shall "satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place".
6. Because of the location and lack of privacy panels on the electronic voting machine, I feel that the above sections of HAVA were violated. When a person with a disability used the electronic voting machine on that day, they would have no privacy.
7. I **am requesting** a hearing on the record before the State Board of Elections.

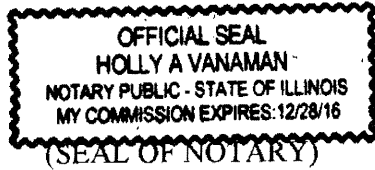
Verification

"I declare that this complaint (including any accompanying exhibits and statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint as required by Section 402 of the Help America Vote Act."

Marla Michalak
Marla Michalak

Signed and sworn to (or affirmed) by Marla Michalak before me on this 26th day of January 2015.

Holly A. Vanaman
Signature of Notary Public



Illinois State Board of Elections

Brent M. Davis | Director of Election Information | 217.558.1664 | bdavis@elections.il.gov



To: Steve Sandvoss, Executive Director

Re: Consolidated Primary Election Day Assignments, February 24, 2015

Date: February 6, 2015

SPRINGFIELD OFFICE (5:30 a.m. – 10:00 p.m.)

STAFF	HOURS WORKING	BREAK TIMES
Kay Walker	5:30 a.m. – 3:00 p.m.	10:30 a.m. – 11:30 a.m.
Kyle Thomas	6:00 a.m. – 3:30 p.m.	11:00 a.m. – Noon
Heather Kimmons	6:00 a.m. – 3:30 p.m.	11:30 a.m. – 12:30 p.m.
Bruce Brown	6:00 a.m. – 3:30 p.m.	10:00 a.m. – 11:00 a.m.
Amy Evans	6:00 a.m. – 3:30 p.m.	11:30 a.m. – 12:30 p.m.
Gary Nerone	9:00 a.m. – 6:30 p.m.	1:00 p.m. – 2:00 p.m.
Cheryl Hobson	10:00 a.m. – 7:30 p.m.	2:00 p.m. – 3:00 p.m.
Brent Davis	12:30 p.m. – 10:00 p.m.	5:00 p.m. – 6:00 p.m.
Bernadette Harrington	12:30 p.m. – 10:00 p.m.	6:00 p.m. – 7:00 p.m.
Michael Montney	12:30 p.m. – 10:00 p.m.	6:00 p.m. – 7:00 p.m.

CHICAGO OFFICE (6:00 a.m. - 9:00 p.m.)

STAFF	HOURS WORKING	BREAK TIMES
Jim Tenuto	6:00 a.m. – 3:30 p.m.	10:30 a.m. – 11:30 p.m.
Marc Petrone	6:00 a.m. – 3:30 p.m.	11:00 p.m. – Noon
Rose Rodriguez	6:00 a.m. – 3:30 p.m.	Noon – 1:00 p.m.
Ken Menzel	10:30 a.m. – 9:00 p.m.	2:30 p.m. – 3:30 p.m.
Darcell McAllister	10:30 a.m. – 9:00 p.m.	3:30 p.m. – 4:30 p.m.
Rick Fulle	10:30 a.m. – 9:00 p.m.	4:30 p.m. – 5:30 p.m.

STATE BOARD OF ELECTIONS



From the desk of.... Kyle Thomas
Director of Voting and Registration Systems
Phone: 217-782-1590
Email: kthomas@elections.il.gov

To: Steve Sandvoss, Executive Director

Re: Consolidated Primary Testing

Date: February 5, 2015

The VRS Division will be conducting tabulation system pre-tests for the Consolidated Primary to be held February 24, 2015 at the following dates and locations:

Grundy County – February 13, 2015
Henry County – February 11, 2015
Rock Island County- February 17, 2015

Judges Schools CP CE 2015

Date	Jurisdiction	No. of Schools	Attendance	Zone
Thursday, February 19, 2015	Saline	3	0	One
Tuesday, February 24, 2015	Montgomery	3	0	Two
Monday, March 09, 2015	Aurora	3	0	Four
Tuesday, March 10, 2015	Aurora	3	0	Four
Wednesday, March 11, 2015	Franklin	2	0	One
Wednesday, March 11, 2015	Vermilion	3	0	Three
Thursday, March 12, 2015	Franklin	1	0	One
Thursday, March 12, 2015	Galesburg	3	0	Two
Thursday, March 12, 2015	Vermilion	3	0	Three
Tuesday, March 17, 2015	Jersey	2	0	Two
Wednesday, March 18, 2015	Fayette	2	0	One
Thursday, March 19, 2015	Cass	2	0	Two
Wednesday, March 25, 2015	Effingham	3	0	One
Thursday, March 26, 2015	Pike	2	0	Two
Saturday, March 28, 2015	E St Louis	2	0	One
Tuesday, March 31, 2015	Greene	2	0	Two
Thursday, April 02, 2015	Morgan	3	0	Two
Thursday, April 02, 2015	Stark	1	0	Four

STATE BOARD OF ELECTIONS



*From the desks of....***Kyle Thomas**
Director of Voting and Registration Systems
Phone: 217-782-1590
Email: kthomas@elections.il.gov

Kevin Turner
Director of Information Technology
Phone: 217-782-1579
Email: ktturner@elections.il.gov

To: Steve Sandvoss; Executive Director

Re: Senate Bill 172 Update

Date: February 6, 2015

SB172 was signed into law by Governor Quinn on Saturday, January 10, 2015 creating Public Act 98-1171. Staff from the IT and VRS divisions met on several occasions in January resulting in an expansive list of modifications to the local Election Management Systems and IVRS that are necessary to meet the requirements of this mandate.

Included in the legislation is the stipulation that the SBE join the Electronic Registration Information Center (ERIC). We conducted a conference call with the staff of ERIC that centered on the technical requirements necessary to successfully and securely transmit data to ERIC. After the meeting it was clear that additional software licenses and hardware will be needed for this phase of the project.

The SBE will be responsible for receiving, encrypting, and transmitting not only data contained in the IVRS database but also the data for all individuals in the databases of the Secretary of State, the Department of Aging, the Department of Employment Security, the Department of Health and Family Services, and the Department of Human Services. A key benefit of ERIC is a cross match of data among the other states that are members of ERIC. Ericka Haas, the ERIC technical staff member, was very concerned with the success of the matching if we were to upload the massive volume of data from all the other state agencies at once. She encouraged us to take a piecemeal approach to maximize the effectiveness of the matching. We are currently reviewing some technical documentation Ericka provided to us following the conference call.

We contacted the agencies listed above in hopes of meeting with their representatives as soon as possible to discuss the details of the implementation of SB172. Thus far, we have scheduled a meeting with the staff of the Secretary of State's office on February 10th. We await responses from the other agencies.

We developed a fiscal note to cover the costs imposed by the legislation. After several meetings and further analysis, we created an amended version of the fiscal note with costs pared to more accurately estimate the funding necessary to comply with this mandate.

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

AGENCY TOTALS MONTH ENDING: Jan. 31, 2015	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$4,662,400	\$2,445,459.42	\$0.00	\$2,216,940.58	52.45%
STATE PAID RETIREMENT	\$186,500	\$92,450.47	\$0.00	\$94,049.53	49.57%
RETIREMENT (inc. supplemental)	\$0	\$0.00	\$0.00	\$0.00	0.00%
SOCIAL SECURITY	\$356,500	\$179,701.07	\$0.00	\$176,798.93	50.41%
CONTRACTUAL SERVICE	\$1,356,000	\$399,235.78	\$242,870.71	\$713,893.51	29.44%
TRAVEL	\$127,700	\$41,101.36	\$0.00	\$86,598.64	32.19%
PRINTING	\$28,200	\$2,304.10	\$0.00	\$25,895.90	8.17%
COMMODITIES	\$40,400	\$11,352.98	\$0.00	\$29,047.02	28.10%
EQUIPMENT	\$169,400	\$112,089.92	\$38,308.62	\$19,001.46	66.17%
TELECOMMUNICATIONS	\$144,900	\$58,078.20	\$0.00	\$86,821.80	40.08%
OPERATION OF AUTO EQUIPMENT	\$5,300	\$1,370.69	\$0.00	\$3,929.31	25.86%
ELECTION CODE BOOKS	\$17,500	\$0.00	\$0.00	\$17,500.00	0.00%
IVRS LUMP SUM - OPERATIONS	\$577,200	\$260,146.00	\$0.00	\$317,054.00	45.07%
INTEREST PAYMENTS	\$0	\$0.00	\$0.00	\$0.00	0.00%
SUB-TOTAL (OPERATIONS)	\$7,672,000	\$3,603,289.99	\$281,179.33	\$3,787,530.68	46.97%
HAVA MAINTENANCE OF EFFORT	\$550,000	\$169,512.26	\$162,408.22	\$218,079.52	30.82%
CO CLERK & RECORDER STIPENDS (FUND 802)	\$799,500	\$0.00	\$0.00	\$799,500.00	0.00%
ELECTION JUDGE REIMBURSEMENT (FUND 802)	\$5,043,000	\$1,875,630.00	\$0.00	\$3,167,370.00	37.19%
ELECTION JUDGES/EARLY VOTING	\$0	\$0.00	\$0.00	\$0.00	0.00%
IVRS LUMP SUM - GRANTS	\$3,378,000	\$0.00	\$0.00	\$3,378,000.00	0.00%
REDISTRICTING	\$0	\$0.00	\$0.00	\$0.00	0.00%
ADDITIONAL STATE MATCH	\$0	\$0.00	\$0.00	\$0.00	0.00%
VOTING SYSTEMS INTEGRITY CENTER	\$0	\$0.00	\$0.00	\$0.00	0.00%
ELEC. CANVASSING IMPLEMENTATION	\$0	\$0.00	\$0.00	\$0.00	0.00%
IDIS SYSTEM REPLACEMENT	\$0	\$0.00	\$0.00	\$0.00	0.00%
SUB-TOTAL (GRANTS)	\$9,770,500.00	\$2,045,142.26	\$162,408.22	\$7,562,949.52	20.93%
TOTAL APPROPRIATION	\$17,442,500	\$5,648,432.25	\$443,587.55	\$11,350,480.20	32.38%

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

BOARD MONTH ENDING: Jan. 31, 2015	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	\$3,000.00	\$304.81	\$2,695.19	10.16%
1221 Repair/Maint. Furn./Office Equipment				
1232 Rental Motor Vehicles	\$3,600.00	\$1,800.00	\$1,800.00	50.00%
1239 Rental, NEC	\$300.00	\$262.50	\$37.50	87.50%
1243 Book Binding Services				
1266 Court Reporting & Filing Services	\$18,000.00	\$4,874.00	\$13,126.00	27.08%
1274 Reg. Fees & Conf. Expenses (Vendor)	\$1,000.00		\$1,000.00	0.00%
1275 Subscriptions				
1276 Reg. Fees & Conf. Expenses (Employee)	\$100.00		\$100.00	0.00%
1277 Association Dues				
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$200.00		\$200.00	0.00%
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$1,000.00	\$226.71	\$773.29	22.67%
TRAVEL	\$21,000.00	\$6,904.61	\$14,095.39	32.88%
EQUIPMENT				
1510 Office Furniture & Equipment	\$700.00		\$700.00	0.00%
LUMP SUMS & OTHER PURPOSES				
1991 Interest Payments				

BOARD GRAND TOTAL	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE
CONTRACTUAL SERVICE	\$27,200.00	\$7,468.02		\$19,731.98
TRAVEL	\$21,000.00	\$6,904.61		\$14,095.39
EQUIPMENT	\$700.00	\$0.00		\$700.00
INTEREST PAYMENTS	\$0.00	\$0.00		\$0.00
TOTAL	\$48,900.00	\$14,372.63	\$0.00	\$34,527.37

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

ADMINISTRATION	FY15	YEAR TO DATE	% OF		
MONTH ENDING: Jan. 31, 2015	APPROPRIATION	EXPENDITURE	BALANCE	EXPENDITURE	
PERSONAL SERVICE	\$863,100.00	\$470,822.16	\$392,277.84	54.55%	
1129 State Paid Retirement	\$34,400.00	\$16,508.42	\$17,891.58	47.99%	
1161 Retirement	\$0.00	\$0.00	\$0.00	0.00%	
1161-008 Compt. Supplemental Retirement	\$0.00	\$0.00	\$0.00	0.00%	
1170 Social Security	\$65,700.00	\$34,276.15	\$31,423.85	52.17%	
CONTRACTUAL SERVICE					
1201 Petty Cash	\$400.00	\$122.61	\$277.39	30.65%	
1205 Freight Express & Drayage	\$600.00		\$600.00	0.00%	
1221 Repair/Maint. Furn./Office Equipment	\$14,500.00	\$3,090.33	\$11,409.67	21.31%	
1223 Repair/Maint. Real Property	\$2,000.00	\$506.00	\$1,494.00	25.30%	
1229 Repair & Maintenance NEC					
1230 In-House Repair & Maintenance					
1231 Rental, Office Equipment	\$32,800.00	\$1,551.81	\$31,248.19	4.73%	
1232 Rental, Motor Vehicles	\$4,600.00	\$1,800.00	\$2,800.00	39.13%	
1233 Rental, Real Property	\$399,800.00	\$241,338.94	\$158,461.06	60.36%	
1234 Rental, Machinery & Mechanical Eqmt					
1239 Rental, NEC	\$1,000.00		\$1,000.00	0.00%	
1240 Statistical & Tabulation Services	\$22,500.00	\$8,805.40	\$13,694.60	39.14%	
1245 Professional & Artistic					
1248 Building & Grounds Maintenance	\$1,000.00		\$1,000.00	0.00%	
1251 Gas					
1252 Electricity					
1253 Water					
1255 Utilities, NEC					
1261 Postage	\$76,700.00	\$27,262.52	\$49,437.48	35.54%	
1266 Court Reporting					
1274 Reg Fees & Conf. Expenses (Vendor)	\$800.00		\$800.00	0.00%	
1275 Subscription & Information Services	\$3,000.00	\$1,262.00	\$1,738.00	42.07%	
1276 Reg.Fees & Conf. Expenses (Employee)	\$400.00		\$400.00	0.00%	
1277 Association Dues	\$2,200.00	\$1,320.00	\$880.00	60.00%	
1279 Tuition - Employee					
1280 Copying, Photographic & Printer Services					
1281 Interviewee Expense - To Vendors					
1285 Taxes, Licenses & Fees	\$100.00		\$100.00	0.00%	
1289 Contractual Services, NEC	\$11,500.00	\$3,737.72	\$7,762.28	32.50%	
TRAVEL					
1291 In-State	\$9,900.00	\$3,124.94	\$6,775.06	31.57%	
1292 Out-of-State	\$1,500.00		\$1,500.00	0.00%	
1295 Mileage	\$1,200.00	\$1,153.60	\$46.40	96.13%	
PRINTING	\$9,900.00	\$988.00	\$8,912.00	9.98%	
COMMODITIES					
1304 Office/Library Supplies	\$14,900.00	\$5,337.74	\$9,562.26	35.82%	
1306 Food for Human Consumption					
1335 Rock Salt					
1391 Household & Cleaning Supplies	\$300.00	\$165.75	\$134.25	55.25%	
1394 Office/Library Equip., Not exc. \$100					
1395 Small Tools Not Exceeding \$100					
1397 Household Cleaning Equip. NEC \$100					
1398 Equipment, NEC	\$500.00	\$181.47	\$318.53	36.29%	
1399 Commodities, NEC	\$700.00	\$45.19	\$654.81	6.46%	
EQUIPMENT					
1510 Office Furniture & Equipment	\$5,000.00	\$1,974.54	\$3,025.46	39.49%	
1599 Equipment NEC	\$1,000.00		\$1,000.00	0.00%	
TELECOMMUNICATIONS					
1710 Repair/Maintenance Telecom					
1721 Rental, Telephone Serv. & Equip.	\$52,200.00	\$23,290.23	\$28,909.77	44.62%	
1722 Rental, Data Comm. Serv. & Equip.	\$81,000.00	\$31,442.22	\$49,557.78	38.82%	
1728 Videoconferencing	\$7,200.00	\$3,345.75	\$3,854.25	46.47%	
1729 Rental, Other Comm. Serv. & Equip.	\$3,000.00		\$3,000.00	0.00%	
1730 Parts & Supplies for Telephone	\$1,500.00		\$1,500.00	0.00%	
1750 Telephone, Data, Radio & Other Equipment					
OPERATION OF AUTO EQUIPMENT					
1893 Repair & Maint., Auto. Equipment	\$2,100.00	\$79.98	\$2,020.02	3.81%	
1894 Parts & Fittings, Auto Equipment	\$200.00	\$18.00	\$182.00	9.00%	
1896 Gasoline, Oil & Antifreeze	\$3,000.00	\$1,272.71	\$1,727.29	42.42%	
1899 Auto. Expenses, NEC					
LUMP SUMS & OTHER PURPOSES					
1991 Interest Payments					
ADMINISTRATION GRAND TOTAL	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	% OF BALANCE EXPENDITURE	
PERSONAL SERVICE	\$863,100.00	\$470,822.16	\$392,277.84	54.55%	
STATE PAID RETIREMENT	\$34,400.00	\$16,508.42	\$17,891.58	47.99%	
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00	\$0.00	0.00%	
SOCIAL SECURITY	\$65,700.00	\$34,276.15	\$31,423.85	52.17%	
CONTRACTUAL SERVICE	\$573,900.00	\$290,797.33	\$158,328.56	50.67%	
TRAVEL	\$12,600.00	\$4,278.54	\$8,321.46	33.96%	
PRINTING	\$9,900.00	\$988.00	\$8,912.00	9.98%	
COMMODITIES	\$16,400.00	\$5,730.15	\$10,669.85	34.94%	
EQUIPMENT	\$6,000.00	\$1,974.54	\$4,025.46	32.91%	
TELECOMMUNICATIONS	\$144,900.00	\$58,078.20	\$86,821.80	40.08%	
OPERATION OF AUTO EQUIPMENT	\$5,300.00	\$1,370.69	\$3,929.31	25.86%	
INTEREST PAYMENTS	\$0.00	\$0.00	\$0.00	0.00%	
TOTAL	\$1,732,200.00	\$884,824.18	\$158,328.56	\$689,047.26	51.08%

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

ELECTIONS MONTH ENDING: Jan. 31, 2015	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$1,808,200.00	\$934,330.10	\$873,869.90	51.67%
1129 State Paid Retirement	\$72,400.00	\$36,394.91	\$36,005.09	50.27%
1161 Retirement			\$0.00	0.00%
1161-008 Compt. Supplemental Retirement			\$0.00	0.00%
1170 Social Security	\$138,400.00	\$68,849.30	\$69,550.70	49.75%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1202 Contractual reimbursement To Employee	\$500.00	\$437.00	\$63.00	87.40%
1205 Freight Express & Drayage	\$2,700.00		\$2,700.00	0.00%
1221 Repair/Maint. Furn./Office Equipment	\$200.00		\$200.00	0.00%
1224 Repair/Maint. Machinery & Mechanical Equip				
1231 Rental, Office Equipment				
1232 Rental, Motor Vehicles				
1237 Rental, Film & Audio/Visual Aids	\$100.00		\$100.00	0.00%
1239 Rental, NEC	\$200.00	\$100.00	\$100.00	50.00%
1242 Auditing & Management Services				
1245 Professional & Artistic Services, NEC	\$10,000.00		\$10,000.00	0.00%
1266 Court Reporting & Filing Services				
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$4,000.00		\$4,000.00	0.00%
1275 Subscription & Information Services	\$600.00		\$600.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)	\$4,200.00		\$4,200.00	0.00%
1277 Association Dues	\$1,400.00	\$60.00	\$1,340.00	4.29%
1279 Employee Tuition & Fees	\$1,300.00		\$1,300.00	0.00%
1280 Copying, Photographic & Printing Services	\$1,500.00		\$1,500.00	0.00%
1284 Software	\$100.00	\$49.95	\$50.05	49.95%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-state Employees				
1289 Contractual Services, NEC	\$100.00		\$100.00	0.00%
TRAVEL				
1291 In-State	\$34,800.00	\$7,105.96	\$27,694.04	20.42%
1292 Out-of-State	\$12,300.00	\$0.00	\$12,300.00	0.00%
1293 In-State (vendor)	\$5,100.00	\$5,043.58	\$56.42	98.89%
1295 Mileage	\$9,700.00	\$9,656.31	\$43.69	99.55%
PRINTING	\$7,000.00	\$43.10	\$6,956.90	0.62%
EQUIPMENT				
1510 Office Furniture & Equipment	\$1,900.00	\$259.99	\$1,640.01	13.68%
LUMP SUMS & OTHER PURPOSES				
1991 Interest Payments				
HAVA - Maintenance of Effort	\$550,000.00	\$169,512.26	\$380,487.74	30.82%
ELECTION CODE BOOKS	\$17,500.00		\$17,500.00	0.00%
Redistricting				
Election Judge Reimbursements (Fund 802)	\$5,043,000.00	\$1,875,630.00	\$3,167,370.00	37.19%
Stipends (Fund 802)	\$799,500.00		\$799,500.00	0.00%
Early Voting Election Judges				
State HAVA Match				
Voting System Integrity Center				
Electronic Canvassing Implementation				
Electronic Canvassing Interest Payments				
IDIS Replacement System				

ELECTIONS GRAND TOTAL	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$1,808,200.00	\$934,330.10		\$873,869.90	51.67%
STATE PAID RETIREMENT	\$72,400.00	\$36,394.91		\$36,005.09	50.27%
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00		\$0.00	0.00%
SOCIAL SECURITY	\$138,400.00	\$68,849.30		\$69,550.70	49.75%
CONTRACTUAL SERVICE	\$26,900.00	\$646.95		\$26,253.05	2.41%
TRAVEL	\$61,900.00	\$21,805.85		\$40,094.15	35.23%
PRINTING	\$7,000.00	\$43.10		\$6,956.90	0.62%
EQUIPMENT	\$1,900.00	\$259.99		\$1,640.01	13.68%
HAVA - Maintenance of Effort	\$550,000.00	\$169,512.26	\$162,408.22	\$218,079.52	30.82%
ELECTION CODE BOOKS	\$17,500.00	\$0.00		\$17,500.00	0.00%
Redistricting	\$0.00	\$0.00		\$0.00	0.00%
Election Judge Reimbursements (FUND 802)	\$5,043,000.00	\$1,875,630.00		\$3,167,370.00	37.19%
Stipends (FUND 802)	\$799,500.00	\$0.00		\$799,500.00	0.00%
Early Voting Election Judges	\$0.00	\$0.00		\$0.00	0.00%
State HAVA Match	\$0.00	\$0.00		\$0.00	0.00%
Voting System Integrity Center	\$0.00	\$0.00		\$0.00	0.00%
Electronic Canvassing Implementation	\$0.00	\$0.00		\$0.00	0.00%
Electronic Canvassing Interest Payments	\$0.00	\$0.00		\$0.00	0.00%
IDIS Replacement System	\$0.00	\$0.00		\$0.00	0.00%
INTEREST PAYMENTS	\$0.00	\$0.00		\$0.00	0.00%
TOTAL	\$8,526,700.00	\$3,107,472.46	\$162,408.22	\$5,256,819.32	36.44%

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

GENERAL COUNSEL MONTH ENDING: Jan. 31, 2015	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$344,700.00	\$190,177.38	\$154,522.62	55.17%
1129 State Paid Retirement	\$13,800.00	\$7,613.91	\$6,186.09	55.17%
1161 Retirement			\$0.00	0.00%
1170 Social Security	\$26,400.00	\$14,043.51	\$12,356.49	53.20%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1202 Reimbursement to Employee	\$1,200.00	\$1,146.00	\$54.00	95.50%
1205 Freight Express & Drayage				
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	\$75,000.00	\$29,952.50	\$45,047.50	39.94%
1245 Professional & Artistic Services, NEC				
1266 Court Reporting & Filing Services	\$15,000.00	\$6,121.65	\$8,878.35	40.81%
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,000.00		\$1,000.00	0.00%
1275 Subscription & Information Services	\$1,000.00	\$172.22	\$827.78	17.22%
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,000.00		\$1,000.00	0.00%
1277 Association Dues	\$1,500.00		\$1,500.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services				
1284 Computer Software				
1289 Contractual Services, NEC	\$5,300.00	\$3,268.50	\$2,031.50	61.67%
TRAVEL				
1291 In-State	\$6,400.00	\$2,337.96	\$4,062.04	36.53%
1292 Out-of-State	\$1,500.00		\$1,500.00	0.00%
1293 In-State (vendor)	\$500.00	\$453.32	\$46.68	90.66%
1295 Mileage	\$1,600.00	\$1,524.32	\$75.68	95.27%
EQUIPMENT				
1510 Office Furniture & Equipment	\$500.00		\$500.00	0.00%
LUMP SUMS & OTHER PURPOSES				
1991 Interest Payments				

GENERAL COUNSEL GRAND TOTAL	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$344,700.00	\$190,177.38		\$154,522.62	55.17%
STATE PAID RETIREMENT	\$13,800.00	\$7,613.91		\$6,186.09	55.17%
RETIREMENT	\$0.00	\$0.00		\$0.00	0.00%
SOCIAL SECURITY	\$26,400.00	\$14,043.51		\$12,356.49	53.20%
CONTRACTUAL SERVICE	\$101,000.00	\$40,660.87	35,047.50	\$25,291.63	40.26%
TRAVEL	\$10,000.00	\$4,315.60		\$5,684.40	43.16%
EQUIPMENT	\$500.00	\$0.00		\$500.00	0.00%
INTEREST PAYMENTS	\$0.00	\$0.00		\$0.00	0.00%
TOTAL	\$496,400.00	\$256,811.27	\$35,047.50	\$204,541.23	51.73%

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

CAMPAIGN DISCLOSURE MONTH ENDING: Jan. 31, 2015	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$842,700.00	\$404,000.94	\$438,699.06	47.94%
1129 State Paid Retirement	\$33,700.00	\$16,164.55	\$17,535.45	47.97%
1161 Retirement			\$0.00	0.00%
1161-0008 Compt. Supplemental Retirement			\$0.00	0.00%
1170 Social Security	\$64,500.00	\$29,553.49	\$34,946.51	45.82%
CONTRACTUAL SERVICE				
1202 Employee Reimbursement	\$100.00	\$47.90	\$52.10	47.90%
1205 Freight Express & Drayage	\$100.00		\$100.00	0.00%
1221 Repair & Maint, Furn & Office Equipment				
1225 Repair & Maint, EDP				
1229 Repair & Maint, NEC				
1232 Rental, Motor Vehicles				
1239 Rental, NEC				
1245 Professional & Artistic Services, NEC				
1248 Building & Ground Maintenance				
1266 Court Reporting & Filing Services	\$500.00	\$422.50	\$77.50	84.50%
1274 Reg Fees & Conf. Expenses (Vendor)				
1275 Subscription & Information Services				
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,100.00	\$1,100.00	\$0.00	100.00%
1277 Association Dues				
1279 Employee Tuition and Fees	\$300.00		\$300.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$200.00	\$120.00	\$80.00	60.00%
TRAVEL				
1291 In-State	\$7,300.00	\$239.44	\$7,060.56	3.28%
1292 Out-of-State	\$3,800.00	\$1,527.59	\$2,272.41	40.20%
1295 Mileage	\$200.00	\$136.75	\$63.25	68.38%
PRINTING	\$10,600.00	\$1,273.00	\$9,327.00	12.01%
EQUIPMENT				
1510 Office Furniture & Equipment	\$500.00		\$500.00	0.00%
LUMP SUMS & OTHER PURPOSES				
1991 Interest Payments				

CAMPAIGN DISCLOSURE GRAND TOTAL	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$842,700.00	\$404,000.94		\$438,699.06	47.94%
STATE PAID RETIREMENT	\$33,700.00	\$16,164.55		\$17,535.45	47.97%
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00		\$0.00	0.00%
SOCIAL SECURITY	\$64,500.00	\$29,553.49		\$34,946.51	45.82%
CONTRACTUAL SERVICE	\$2,300.00	\$1,690.40		\$609.60	73.50%
TRAVEL	\$11,300.00	\$1,903.78		\$9,396.22	16.85%
PRINTING	\$10,600.00	\$1,273.00		\$9,327.00	12.01%
EQUIPMENT	\$500.00	\$0.00		\$500.00	0.00%
INTEREST PAYMENTS	\$0.00	\$0.00		\$0.00	0.00%
TOTAL	\$965,600.00	\$454,586.16	\$0.00	\$511,013.84	47.08%

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

INFORMATION TECHNOLOGY MONTH ENDING: Jan. 31, 2015	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$803,700.00	\$446,128.84	\$357,571.16	55.51%
1129 State Paid Retirement	\$32,200.00	\$15,768.68	\$16,431.32	48.97%
1161 Retirement				
1161-0008 Compt. Supplemental Retirement				
1170 Social Security	\$61,500.00	\$32,978.62	\$28,521.38	53.62%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage				
1221 Repair/Maint. Furn./Office Equipment	\$12,000.00		\$12,000.00	0.00%
1223 Repair/Maint. Real Property				
1225 Repair/Maint. EDP Equipment	\$120,400.00	\$27,568.13	\$92,831.87	22.90%
1230 In-House Repair of Equipment				
1234 Rental, Machinery and Mech. Equip				
1239 Rental, NEC	\$1,800.00	\$1,118.95	\$681.05	62.16%
1242 Auditing & Management Services				
1244 Legal Fees				
1245 Professional & Artistic Services, NEC	\$323,400.00		\$323,400.00	0.00%
1271 Surety Bond & Ins. Prem.	\$1,000.00	\$708.00	\$292.00	70.80%
1272 Travel & Expense Reimbursement (Vendor)				
1274 Reg Fees & Conf. Expenses (Vendor)	\$6,000.00		\$6,000.00	0.00%
1275 Subscription & Information Services	\$600.00		\$600.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	\$8,000.00		\$8,000.00	0.00%
1284 Computer Software	\$150,500.00	\$28,577.13	\$121,922.87	18.99%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$1,000.00		\$1,000.00	0.00%
TRAVEL				
1291 In-State	\$5,200.00	\$1,683.54	\$3,516.46	32.38%
1292 Out-of-State	\$5,400.00		\$5,400.00	0.00%
1293 In-State (vendor)				
1295 Mileage	\$300.00	\$209.44	\$90.56	69.81%
PRINTING	\$700.00		\$700.00	0.00%
COMMODITIES				
1304 Office/Library Supplies	\$22,800.00	\$4,488.78	\$18,311.22	19.69%
1332 Industrial & Shop Materials				
1394 Office & Library Equipment Under \$100	\$800.00	\$791.00	\$9.00	98.88%
1395 Small Tools < \$100				
1398 Equipment, NEC	\$400.00	\$343.05	\$56.95	85.76%
1399 Commodities, NEC				
EQUIPMENT				
1510 Office Furniture & Equipment	\$400.00	\$337.99	\$62.01	84.50%
1515 EDP Equipment	\$159,400.00	\$109,517.40	\$49,882.60	68.71%
LUMP SUMS & OTHER PURPOSES				
1991 Interest Payments				

INFORMATION TECHNOLOGY GRAND TOTAL	FY15 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$803,700.00	\$446,128.84		\$357,571.16	55.51%
STATE PAID RETIREMENT	\$32,200.00	\$15,768.68		\$16,431.32	48.97%
RETIREMENT	\$0.00	\$0.00		\$0.00	0.00%
SOCIAL SECURITY	\$61,500.00	\$32,978.62		\$28,521.38	53.62%
CONTRACTUAL SERVICE	\$624,700.00	\$57,972.21	\$49,494.65	\$517,233.14	9.28%
TRAVEL	\$10,900.00	\$1,892.98		\$9,007.02	17.37%
PRINTING	\$700.00	\$0.00		\$700.00	0.00%
COMMODITIES	\$24,000.00	\$5,622.83		\$18,377.17	23.43%
EQUIPMENT	\$159,800.00	\$109,855.39	\$38,308.62	\$11,635.99	68.75%
INTEREST PAYMENTS	\$0.00	\$0.00		\$0.00	0.00%
TOTAL	\$1,717,500.00	\$670,219.55	\$87,803.27	\$959,477.18	39.02%

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
General Revenue Fund

IVRS LUMP SUM
MONTH ENDING: Jan. 31, 2015

YEAR TO DATE
EXPENDITURE

PERSONAL SERVICE	\$233,103.74
1129 State Paid Retirement	\$9,328.47
1161 Retirement	
1170 Social Security	\$16,970.47
CONTRACTUAL SERVICE	
1205 Freight Express & Drayage	
1221 Repair/Maint. Furn./Office Equipment	
1232 Rental Motor Vehicles	
1239 Rental, NEC	
1242 Auditing & Management Services	
1243 Book Binding Services	
1261 Postage	
1266 Court Reporting & Filing Services	
1274 Reg. Fees & Conf. Expenses (Vendor)	
1275 Subscriptions	
1276 Reg. Fees & Conf. Expenses (Employee)	
1277 Association Dues	
1279 Employee Tuition & Fees	
1280 Copying, Photographic & Printing Services	
1284 Computer Software	
1286 Travel, Non-State Employee	
1289 Contractual Services, NEC	
TRAVEL	\$743.32
PRINTING	
COMMODITIES	
1304 Office Supplies	
1398 Equipment Less than \$100	
EQUIPMENT	
1510 Office Furniture & Equipment	
LUMP SUMS & OTHER PURPOSES	
1991 Interest Payments	
LOCAL GRANTS	
4453 Reimbursement to Governmental Units	
4458 Services, NEC	
4470 Grants to Local Governments	
4479 Payments to Other State Agencies	

SUPP. APPROP. - IVRS

LUMP SUM - OPERATIONS APPROP FOR YEAR	\$577,200.00
TOTAL LUMP SUM - OPERATIONS EXPENDITURES	\$260,146.00
REMAINING LUMP SUM APPROPRIATION	\$317,054.00

LUMP SUM - GRANTS APPROP FOR YEAR	\$3,378,000.00
TOTAL LUMP SUM - GRANT EXPENDITURES	\$0.00
REMAINING LUMP SUM APPROPRIATION	\$3,378,000.00

LUMP SUM TOTAL APPROPRIATION	\$3,955,200.00
TOTAL LUMP SUM EXPENDITURES	\$260,146.00
REMAINING LUMP SUM APPROPRIATION	\$3,695,054.00

STATE BOARD OF ELECTIONS
FY15 MONTHLY FISCAL REPORT
 Help Illinois Vote Fund

AGENCY TOTALS	SECTION 101 Discretionary Funds	SECTION 102 Entitlement Payments	SECTION 261 EAID Disbursements	SECTION 251 Requirements	SECTION 251 Additional Requirements	TOTAL Fund Activity
MONTH ENDING: Jan. 31, 2015						
CASH BALANCE FROM FY14	\$553,557.44	\$0.00	\$0.00	\$3,555,326.11	\$3,559,543.77	\$7,668,427.32
Program Revenues from Federal Govt			\$311,999.02			\$311,999.02
Miscellaneous Revenues						\$0.00
Interest Earned on IOC Balances	\$1,132.16			\$6,937.58	\$6,248.26	\$14,318.00
Interest Penalties Received	\$29.20					\$29.20
EAC-Mandated Transfers of Interest						\$0.00
State Match Receipts						\$0.00
TOTAL CASH REVENUES	\$1,161.36	\$0.00	\$311,999.02	\$6,937.58	\$6,248.26	\$326,346.22
YEAR TO DATE CASH EXPENDITURES						
PERSONAL SERVICE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
STATE-PAID RETIREMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
RETIREMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SOCIAL SECURITY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
GROUP INSURANCE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CONTRACTUAL SERVICE	\$3,811.00	\$0.00	\$0.00	\$8,998.83	\$0.00	\$12,809.83
TRAVEL	\$8,308.85	\$0.00	\$0.00	\$0.00	\$0.00	\$8,308.85
PRINTING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
COMMODITIES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
EQUIPMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TELECOMMUNICATIONS	\$333.45	\$0.00	\$0.00	\$0.00	\$0.00	\$333.45
OPERATION OF AUTO. EQUIPMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
INDIRECT COST REFUNDS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUB-TOTAL CASH EXPENDITURES (OPERATIONS)	\$12,453.30	\$0.00	\$0.00	\$8,998.83	\$0.00	\$21,452.13
AWARDS & GRANTS	\$0.00	\$0.00	\$374,073.60	\$2,500,000.00	\$2,229,732.50	\$5,103,806.10
TOTAL CASH EXPENDITURES	\$12,453.30	\$0.00	\$374,073.60	\$2,508,998.83	\$2,229,732.50	\$5,125,258.23
CASH BALANCE AT END OF MONTH	\$542,265.50	\$0.00	(\$62,074.58)	\$1,053,264.86	\$1,336,059.53	\$2,869,515.31

STATE BOARD OF ELECTIONS
FY14 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 101 - DISCRETIONARY FUNDS
MONTH ENDING: Jan. 31, 2015

FY15
APPROPRIATION **YEAR TO DATE**
EXPENDITURE

PERSONAL SERVICE

1129 State Paid Retirement
1161 Retirement
1170 Social Security
1180 Group Insurance

CONTRACTUAL SERVICE

1205 Freight Express/Drayage
1223 Repair & Maintenance Real Property
1225 Repair & Maintenance, EDP Equip.
1231 Rental, Office Equipment
1232 Rental, Motor Vehicles
1237 Rental, Film & Audio/Visual Aids
1239 Rental, NEC
1242 Auditing & Management Services
1243 Book Binding & Processing Services
1244 Legal Fees
1245 Professional & Technical Services, NEC
1261 Postage
1266 Court Reporting & Filing Services
1273 Advertising
1274 Registration Fees & Conf. Exp. (Vendor)
1276 Registration Fees & Conf. Exp. (Employee)
1280 Copying, Photographic & Printing Serv.
1284 Computer Software
1286 Travel, Reimb. to Non-State Employees
1289 Contractual Services, NEC

\$520.00 \$520.00

\$3,291.00 \$3,291.00

TRAVEL

1291 In-State & 1293 In-State (to vendor)
1292 Out-of-State
1295 Mileage

\$1,599.04 \$1,599.04
\$5,122.21 \$5,122.21
\$1,587.60 \$1,587.60

PRINTING

COMMODITIES

1304 Office/Library Supplies
1308 Educational & Instructional Materials
1394 Office/Library Equip., Not Exceed. \$100
1398 Equipment, NEC
1399 Commodities, NEC

EQUIPMENT

1510 Office Furniture & Equipment
1515 EDP Equipment
1561 Training Equipment
6625 Leasehold Improvements

TELECOMMUNICATIONS

1721 Rental, Telephone Serv. & Equip.
1722 Rental, Data Comm. Serv. & Equip.
1728 Video Conferencing
1729 Rental, Other Comm. Serv. & Equip.
1730 Parts & Supplies for Telephone
1740 Answering & Pag. Comm. Serv. Equip.
1750 Telephone, Data, Radio & Other Equip.
1799 Telecommunication Services, NEC

\$333.45 \$333.45

OPERATION OF AUTO EQUIPMENT

1893 Repair & Maint., Automotive Equipment
1894 Parts & Fittings, Automotive Equipment
1896 Gasoline, Oil & Antifreeze
1898 Automotive Services, NEC
1899 Automotive Expenses, NEC

INDIRECT COST REFUNDS

1993 Indirect Cost Allocation Refund

\$0.00

GRANTS

4453 Reimbursement to Governmental Units
4458 Services, NEC
4470 Grants to Local Governments (PPA)
4470 Grants to Local Governments (EAI)
4470 Grants to Local Governments (AAG)
4470 Grants to Local Governments
4479 Payments to Other State Agencies

SECTION 101 GRAND TOTAL

FY15
APPROPRIATION **YEAR TO DATE**
EXPENDITURE **OBLIGATED**
MONEY

PERSONAL SERVICE	\$0.00	\$0.00
STATE PAID RETIREMENT	\$0.00	\$0.00
RETIREMENT	\$0.00	\$0.00
SOCIAL SECURITY	\$0.00	\$0.00
GROUP INSURANCE	\$0.00	\$0.00
CONTRACTUAL SERVICE	\$3,811.00	\$3,811.00
TRAVEL	\$8,308.85	\$8,308.85
PRINTING	\$0.00	\$0.00
COMMODITIES	\$0.00	\$0.00
EQUIPMENT	\$0.00	\$0.00
TELECOMMUNICATIONS	\$333.45	\$333.45
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00
INDIRECT COST REFUNDS	\$0.00	\$0.00
GRANTS	\$0.00	\$0.00

TOTAL	\$12,453.30	\$12,453.30	\$0.00
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STATE BOARD OF ELECTIONS
FY14 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 102 - ENTITLEMENT PAYMENTS
MONTH ENDING: Jan. 31, 2015

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

PERSONAL SERVICE

1129 State Paid Retirement
1161 Retirement
1170 Social Security

CONTRACTUAL SERVICE

1205 Freight Express/Drayage
1225 Repair & Maintenance, EDP Equip.
1231 Rental, Office Equipment
1237 Rental, Film & Audio/Visual Aids
1239 Rental, NEC
1242 Auditing & Management Services
1243 Book Binding & Processing Services
1244 Legal Fees
1245 Professional & Technical Services, NEC
1261 Postage
1266 Court Reporting & Filing Services
1274 Registration Fees & Conf. Exp. (Vendor)
1276 Registration Fees & Conf. Exp. (Employee)
1280 Copying, Photographic & Printing Serv.
1284 Computer Software
1289 Contractual Services, NEC

TRAVEL

1291 In-State
1292 Out-of-State

PRINTING

COMMODITIES

1304 Office/Library Supplies
1394 Office/Library Equip., Not Exceed. \$100
1398 Equipment, NEC
1399 Commodities, NEC

EQUIPMENT

1510 Office Furniture & Equipment
1515 EDP Equipment
1599 Equipment, NEC

TELECOMMUNICATIONS

1721 Rental, Telephone Serv. & Equip.
1722 Rental, Data Comm. Serv. & Equip.
1728 Video Conferencing
1729 Rental, Other Comm. Serv. & Equip.
1730 Parts & Supplies for Telephone
1740 Answering & Pag. Comm. Serv. Equip.
1750 Telephone, Data, Radio & Other Equip.
1799 Telecommunication Services, NEC

OPERATION OF AUTO EQUIPMENT

1893 Repair & Maint., Automotive Equipment
1894 Parts & Fittings, Automotive Equipment
1896 Gasoline, Oil & Antifreeze
1898 Automotive Services, NEC
1899 Automotive Expenses, NEC

GRANTS

4453 Reimbursement to Governmental Units
4458 Services, NEC
4470 Grants to Local Governments, NEC

SECTION 102 GRAND TOTAL

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

OBLIGATED
MONEY

PERSONAL SERVICE	\$0.00	\$0.00
STATE PAID RETIREMENT	\$0.00	\$0.00
RETIREMENT	\$0.00	\$0.00
SOCIAL SECURITY	\$0.00	\$0.00
CONTRACTUAL SERVICE	\$0.00	\$0.00
TRAVEL	\$0.00	\$0.00
PRINTING	\$0.00	\$0.00
COMMODITIES	\$0.00	\$0.00
EQUIPMENT	\$0.00	\$0.00
TELECOMMUNICATIONS	\$0.00	\$0.00
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00
GRANTS	\$0.00	\$0.00

TOTAL	\$0.00	\$0.00	\$0.00
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STATE BOARD OF ELECTIONS
FY14 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 261 - EAID DISBURSEMENTS
MONTH ENDING: Jan. 31, 2015

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

PERSONAL SERVICE

1129 State Paid Retirement
1161 Retirement
1170 Social Security

CONTRACTUAL SERVICE

1205 Freight Express/Drayage
1225 Repair & Maintenance, EDP Equip.
1231 Rental, Office Equipment
1237 Rental, Film & Audio/Visual Aids
1239 Rental, NEC
1242 Auditing & Management Services
1243 Book Binding & Processing Services
1244 Legal Fees
1245 Professional & Technical Services, NEC
1261 Postage
1266 Court Reporting & Filing Services
1274 Registration Fees & Conf. Exp. (Vendor)
1276 Registration Fees & Conf. Exp. (Employee)
1280 Copying, Photographic & Printing Serv.
1284 Computer Software
1289 Contractual Services, NEC

TRAVEL

1291 In-State
1292 Out-of-State

PRINTING

COMMODITIES

1304 Office/Library Supplies
1394 Office/Library Equip., Not exc. \$100
1398 Equipment, NEC
1399 Commodities, NEC

EQUIPMENT

1510 Office Furniture & Equipment
1515 EDP Equipment
1599 Equipment, NEC

TELECOMMUNICATIONS

1721 Rental, Telephone Serv. & Equip.
1722 Rental, Data Comm. Serv. & Equip.
1728 Video Conferencing
1729 Rental, Other Comm. Serv. & Equip.
1730 Parts & Supplies for Telephone
1740 Answering & Pag. Comm. Serv. Equip.
1750 Telephone, Data, Radio & Other Equip.
1799 Telecommunication Services, NEC

OPERATION OF AUTO EQUIPMENT

1893 Repair & Maint., Automotive Equipment
1894 Parts & Fittings, Automotive Equipment
1896 Gasoline, Oil & Antifreeze
1898 Automotive Services, NEC
1899 Automotive Expenses, NEC

INDIRECT COST REFUNDS

1993 Indirect Cost Allocation Refund

GRANTS

4453 Reimbursement to Governmental Units
4470 Grants to Local Governments (VAID II)
4470 Grants to Local Governments (VAID III)
4470 Grants to Local Governments (VAID IV)
4470 Grants to Local Governments (VAID V)

\$374,073.60

\$374,073.60

SECTION 261 GRAND TOTAL

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

OBLIGATED
MONEY

PERSONAL SERVICE

\$0.00

\$0.00

STATE PAID RETIREMENT

\$0.00

\$0.00

RETIREMENT

\$0.00

\$0.00

SOCIAL SECURITY

\$0.00

\$0.00

CONTRACTUAL SERVICE

\$0.00

\$0.00

TRAVEL

\$0.00

\$0.00

PRINTING

\$0.00

\$0.00

COMMODITIES

\$0.00

\$0.00

EQUIPMENT

\$0.00

\$0.00

TELECOMMUNICATIONS

\$0.00

\$0.00

OPERATION OF AUTO EQUIPMENT

\$0.00

\$0.00

INDIRECT COST REFUNDS

\$0.00

\$0.00

GRANTS

\$374,073.60

\$374,073.60

TOTAL

\$374,073.60

\$374,073.60

\$0.00

STATE BOARD OF ELECTIONS
FY14 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 251 - REQUIREMENTS
MONTH ENDING: Jan. 31, 2015

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

PERSONAL SERVICE

1129 State Paid Retirement
1161 Retirement
1170 Social Security
1180 Group Insurance

CONTRACTUAL SERVICE

1205 Freight Express/Drayage
1223 Repair & Maintenance Real Property
1225 Repair & Maintenance, EDP Equip.
1231 Rental, Office Equipment
1232 Rental, Motor Vehicles
1237 Rental, Film & Audio/Visual Aids
1239 Rental, NEC
1242 Auditing & Management Services
1243 Book Binding & Processing Services
1244 Legal Fees
1245 Professional & Technical Services, NEC
1261 Postage
1266 Court Reporting & Filing Services
1273 Advertising
1274 Registration Fees & Conf. Exp. (Vendor)
1276 Registration Fees & Conf. Exp. (Employee)
1280 Copying, Photographic & Printing Serv.
1284 Computer Software
1289 Contractual Services, NEC

\$0.00

\$5,801.40

\$5,801.40

\$3,197.43

\$3,197.43

TRAVEL

1291 In-State
1292 Out-of-State

PRINTING

COMMODITIES

1304 Office/Library Supplies
1308 Educational & Instructional Materials
1394 Office/Library Equip., Not Exceed. \$100
1398 Equipment, NEC
1399 Commodities, NEC

EQUIPMENT

1510 Office Furniture & Equipment
1515 EDP Equipment
1561 Training Equipment
6625 Leasehold Improvements

TELECOMMUNICATIONS

1721 Rental, Telephone Serv. & Equip.
1722 Rental, Data Comm. Serv. & Equip.
1728 Video Conferencing
1729 Rental, Other Comm. Serv. & Equip.
1730 Parts & Supplies for Telephone
1740 Answering & Pag. Comm. Serv. Equip.
1750 Telephone, Data, Radio & Other Equip.
1799 Telecommunication Services, NEC

OPERATION OF AUTO EQUIPMENT

1893 Repair & Maint., Automotive Equipment
1894 Parts & Fittings, Automotive Equipment
1896 Gasoline, Oil & Antifreeze
1898 Automotive Services, NEC
1899 Automotive Expenses, NEC

INDIRECT COST REFUNDS

1993 Indirect Cost Allocation Refund

GRANTS

4453 Reimbursement to Govt Units (AVE)
4453 Reimbursement to Govt Units (Phase III)
4453 Reimbursement to Govt Units (ALA)
4453 Reimbursement to Govt Units (EDG)
4470 Grants to Local Governments (VRS)
4479 Payments to Other State Agencies

\$2,500,000.00

\$2,500,000.00

SECTION 251 (OLD REQ) GRAND TOTAL

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

OBLIGATED
MONEY

PERSONAL SERVICE

\$0.00

\$0.00

STATE PAID RETIREMENT

\$0.00

\$0.00

RETIREMENT

\$0.00

\$0.00

SOCIAL SECURITY

\$0.00

\$0.00

GROUP INSURANCE

\$0.00

\$0.00

CONTRACTUAL SERVICE

\$8,998.83

\$8,998.83

TRAVEL

\$0.00

\$0.00

PRINTING

\$0.00

\$0.00

COMMODITIES

\$0.00

\$0.00

EQUIPMENT

\$0.00

\$0.00

TELECOMMUNICATIONS

\$0.00

\$0.00

OPERATION OF AUTO EQUIPMENT

\$0.00

\$0.00

INDIRECT COST REFUNDS

\$0.00

\$0.00

GRANTS

\$2,500,000.00

\$2,500,000.00

TOTAL

\$2,508,998.83

\$2,508,998.83

\$0.00

STATE BOARD OF ELECTIONS
FY14 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 251 - ADDITIONAL REQUIREMENTS
MONTH ENDING: Jan. 31, 2015

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

PERSONAL SERVICE

1129 State Paid Retirement
1161 Retirement
1170 Social Security
1180 Group Insurance

CONTRACTUAL SERVICE

1205 Freight Express/Drayage
1223 Repair & Maintenance Real Property
1225 Repair & Maintenance, EDP Equip.
1231 Rental, Office Equipment
1232 Rental, Motor Vehicles
1237 Rental, Film & Audio/Visual Aids
1239 Rental, NEC
1242 Auditing & Management Services
1243 Book Binding & Processing Services
1244 Legal Fees
1245 Professional & Technical Services, NEC
1261 Postage
1266 Court Reporting & Filing Services
1273 Advertising
1274 Registration Fees & Conf. Exp. (Vendor)
1276 Registration Fees & Conf. Exp. (Employee)
1280 Copying, Photographic & Printing Serv.
1284 Computer Software
1289 Contractual Services, NEC

TRAVEL

1291 In-State
1292 Out-of-State

PRINTING

COMMODITIES

1304 Office/Library Supplies
1308 Educational & Instructional Materials
1394 Office/Library Equip., Not Exceed. \$100
1398 Equipment, NEC
1399 Commodities, NEC

EQUIPMENT

1510 Office Furniture & Equipment
1515 EDP Equipment
1561 Training Equipment
6625 Leasehold Improvements

TELECOMMUNICATIONS

1721 Rental, Telephone Serv. & Equip.
1722 Rental, Data Comm. Serv. & Equip.
1728 Video Conferencing
1729 Rental, Other Comm. Serv. & Equip.
1730 Parts & Supplies for Telephone
1740 Answering & Pag. Comm. Serv. Equip.
1750 Telephone, Data, Radio & Other Equip.
1799 Telecommunication Services, NEC

OPERATION OF AUTO EQUIPMENT

1893 Repair & Maint., Automotive Equipment
1894 Parts & Fittings, Automotive Equipment
1896 Gasoline, Oil & Antifreeze
1898 Automotive Services, NEC
1899 Automotive Expenses, NEC

INDIRECT COST REFUNDS

1993 Indirect Cost Allocation Refund

GRANTS

4453 Reimbursement to Govt Units (AVE)
4453 Reimbursement to Govt Units (Phase II)
4453 Reimbursement to Govt Units (ALA)
4453 Reimbursement to Govt Units (EDG)
4470 Grants to Local Governments (Phase III)
4479 Payments to Other State Agencies

\$2,229,732.50

\$2,229,732.50

SECTION 251 (NEW REQ) GRAND TOTAL

FY15
APPROPRIATION

YEAR TO DATE
EXPENDITURE

OBLIGATED
MONEY

PERSONAL SERVICE

\$0.00

\$0.00

STATE PAID RETIREMENT

\$0.00

\$0.00

RETIREMENT

\$0.00

\$0.00

SOCIAL SECURITY

\$0.00

\$0.00

GROUP INSURANCE

\$0.00

\$0.00

CONTRACTUAL SERVICE

\$0.00

\$0.00

TRAVEL

\$0.00

\$0.00

PRINTING

\$0.00

\$0.00

COMMODITIES

\$0.00

\$0.00

EQUIPMENT

\$0.00

\$0.00

TELECOMMUNICATIONS

\$0.00

\$0.00

OPERATION OF AUTO EQUIPMENT

\$0.00

\$0.00

INDIRECT COST REFUNDS

\$0.00

\$0.00

GRANTS

\$2,229,732.50

\$2,229,732.50

TOTAL

\$2,229,732.50

\$2,229,732.50

\$0.00

Start Date	End Date	Activity	Division
1 /29/2015		Certification date for April election. SBE to certify candidates for Fox Waterway Agency and multi-county school trustees. 10 ILCS 5/7-60.1	EL INFO
1 /30/2015		Date upon which the State Board of Election shall notify political committees that have failed to file the 2014 DECEMBER QUARTERLY REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES by the deadline that an assessment will be levied against the committee for failure to file the report in a timely fashion. Rules and Regulations 125.425.	CAMP DISC
2 /2 /2015		Begin preparation of packet materials for 2015 MARCH QUARTERLY REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Packets to be mailed or e-mailed March 1, 2013. 10 ILCS 5/9-15.	CAMP DISC
2 /3 /2015		Complete profile of pre-election Referenda. 10 ILCS 5/1A-8 (1, 2, 12)	VRS
2 /3 /2015		Send letter to those jurisdictions where in-precinct counting equipment is utilized requesting a list of those precincts involved in the election. 10 ILCS 5/24B-15, 24C-15	VRS
2 /5 /2015		Notify election authorities to send referenda information for the Consolidated Election. 10 ILCS 5/1A-8 (1, 2, 12)	VRS
2 /6 /2015		Send notice (form) to election authorities to obtain voting system information to be used for the Consolidated Election. (Rules and Regulations)	VRS
2 /6 /2015		Last day for election authority to submit computerized voter registration file for the Consolidated Primary 2015 submission. 10 ILCS 5/4-8,5-7,6-36	VRS
2 /6 /2015		Last day for election authorities to submit request for extension to file computerized voter registration information for the Consolidated Primary 2015 submission. Rules and Regulations	VRS
2 /6 /2015		Send notice (form) to election authorities in order to obtain early voting system information to be used for the Consolidated Election.	VRS
2 /8 /2015		The Board will refer to the Attorney General of Illinois for compliance enforcement each jurisdiction whose computerized voter registration submission has not been received for the December 15, 2014 submission	VRS

Start Date	End Date	Activity	Division
2 /9 /2015		First day for early voting and the office of the Election Authority and locations designated by the Election Authority. 10 ILCS 5/19A-15	EL INFO
2 /11/2015		Send notification to election authorities re: Voting Equipment Test. 10 ILCS 5/24B-9, 24C-9	VRS
2 /13/2015		Notify state central committee chairmen of the time and place of SBE's random selection procedure for the election jurisdictions' 5% re-tabulation of precincts. 10 ILCS 5/24B-15 and 5/24C-15	VRS
2 /13/2015		Date those jurisdictions using in-precinct counting equipment must submit list of those precincts that will be open for the election. 10 ILCS 5/24B-15, 24C-15	VRS
2 /13/2015		Notify state sentral committee chairmen of the time and place of SBE's random selection procedure for the election jurisdiction's 5% re-tabulation of early voting equipment. 10 ILCS 5/24A-15, 5/24B-15, 5/24C-15	VRS
2 /16/2015		The date that a second letter goes out to all committees that have failed to the file the report advising them that an assessment for late filing is continuing and that a complaint will be filed if the committee fails to file either the 2014 SEPTEMBER OR DECEMBER QUARTERLY REPORTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Rules and Regulations 125.425.	CAMP DISC
2 /17/2015		Send verification letter to election authorities to confirm the precinct data they originally submitted for their 5% retabulation. 10 ILCS 5/24B-15, 24C-15	VRS
2 /17/2015		Complete development of the COUNTY OFFICERS booklet for 2013. Project began 12/01/2014. 10 ILCS 5/1A-8 (1,2)	ET&RD
2 /17/2015		Last day for election authority to notify public of time, date, and place of public test for Consolidated Primary. 10 ILCS 5/24B-9	VRS
2 /17/2015		Election authorities must submit to SBE a copy of the specimen ballot that is to be tested for the General Consolidated. 10 ILCS 5/24B-9	VRS
2 /18/2015		(3rd Wednesday) Governor's Budget Message. 15 ILCS 20/50-5	LEG

Start Date	End Date	Activity	Division
2 /18/2015		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
2 /19/2015		Last day to conduct SBE tests of automatic tabulating equipment. 10 ILCS 5/24B-9, 24C-9	VRS
2 /20/2015		Each election authority shall send to the SBE written notice on a form prescribed and supplied by the Board the serial numbers for the early voting systems it will use for the Consolidated Election.	VRS
2 /20/2015		Each election authority shall send to the SBE written notice on a form prescribed and supplied by the Board of the type of voting system it will use for the Consolidated Election. (Rules and Regulations)	VRS
2 /21/2015		Last day for early voting at the office of the Election Authority and locations designated by the Election Authority. 10 ILCS 5/19A-15	EL INFO
2 /21/2015		Last day for the election authority to have in his office a sufficient number of ballots printed and available for mailing to persons in the United States Service or their spouse and dependents, citizens temporarily residing outside the territorial limits of the United States and nonresident civilians. 10 ILCS 5/7-16, 16-5.01 NOTE THIS IS 3 DAYS BEFORE THE PRIMARY*	LEG
2 /21/2015		Last day of grace period registration, change of address and voting. 10 ILCS 5/4-50, 5-50, 6-100	EL INFO
2 /23/2015		Last day of period during which independent expenditures of \$1000 or more made by a political committee must be reported electronically within five business days after making the independent expenditure. 10 ILCS 5/9-10(e).	CAMP DISC
2 /23/2015		Last day of period during which any receipt of a contribution of \$1000 or more by a political committee participating in the consolidated primary election, must be reported within two business days following its receipt. 10 ILCS 5/9-10(c).	CAMP DISC

Start Date	End Date	Activity	Division
2 /23/2015		Last day for election authorities to send a sealed copy of each tested program for the upcoming election to the State Board of Elections. The SBE secures the programs until the next Consolidated Primary Election. 10 ILCS 5/24B-9, 24C-9	VRS
2 /24/2015		CONSOLIDATED PRIMARY ELECTION	EL INFO
2 /24/2015		(date subject to change) Bill Introduction Deadline. Last day to file a legislative bill with either HOUSE. (House/Senate Rule)	LEG
2 /25/2015		Provide the election authorities in those jurisdictions where in-precinct counting equipment is utilized a list of the precincts selected on a random basis by the State Board of Elections. 10 ILCS 5/24B-15, 24C-15	VRS
2 /25/2015		Destroy the sealed program or programs from the previous election of the same type. 10 ILCS 5/24B-9	VRS
2 /27/2015		The last day that the State Board of Elections shall notify political committees that have filed a Statement of Organization of their obligation to file the 2015 MARCH QUARTERLY REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. 10 ILCS 5/9-10, 9-15(9).	CAMP DISC
3 /2 /2015		Notify election authorities of requirement to submit computerized voter registration information for the Consolidated General 2015 submission in a format prescribed by the SBE	VRS
3 /3 /2015		Remind the Driver and Motor Vehicle Services of the registration cut off of 27 days before an election.	LEG
3 /5 /2015		Notify election authorities of their need to give public test notification and re-tabulation notification for General Consolidated.	VRS
3 /5 /2015		Begin review of the computer operator's logs for the performance of automatic tabulating equipment used in the Consolidated Primary Election. (Rules and Regulations)	VRS

Start Date	End Date	Activity	Division
3 /8 /2015		First day of period during which any receipt of a contribution of \$1000 or more by a political committee participating in the consolidated election, must be reported within two business days following its receipt. 10 ILCS 5/9-10(c)	CAMP DISC
3 /8 /2015		First day of period during which independent expenditures of \$1000 or more made by a political committee must be reported electronically within five business days after making the independent expenditure. 10 ILCS 5/9-10(c).	CAMP DISC
3 /9 /2015		Send notice to election authorities who failed to submit a computerized voter registration file, for the Consolidated Primary 2015 submission. Rules and Regulations	VRS
3 /9 /2015		Begin testing of the automatic tabulating equipment. 10 ILCS 5/24B-9, 24C-9	VRS
3 /9 /2015		Send to each election authority a current computerized voter registration error report, from the Consolidated Primary 2015 submission	VRS
3 /10/2015		First day for election authority to submit computerized voter registration file for the Consolidated General 2015 submission. 10 ILCS 5/4-8,5-7,6-36	VRS
3 /10/2015		Last day for voter registration or transfer of registration prior to Consolidated Election. 10 ILCS 5/4, 5, 6	EL INFO
3 /10/2015		Last day for local election authorities to count absentee, military & overseas ballots which were postmarked by midnight Feb 24, 2015. 10 ILCS 5/19-8&20-8	LEG
3 /11/2015		First day for grace period registration, change of address and voting begins. 10 ILCS 5/4-50, 5-50, 6-100	EL INFO
3 /13/2015		Complete draft of Board's field and office plan for Consolidated Election.	EL INFO
3 /16/2015		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
3 /16/2015		Notify election authorities to forward a copy of their computer operator's log or analogous information following the proclamation of election results. 10 ILCS 5/24A-13, 24B-13, 24C-14 (Rules and Regulations)	VRS

Start Date	End Date	Activity	Division
3 /18/2015		Last day for election authority to notify public of time, date, and place of re-tabulation for Consolidated Primary. 10 ILCS 5/24B-15	VRS
3 /19/2015		Complete profile of pre-election referenda. 10 ILCS 5/1A-8 (1, 2, 12)	VRS
3 /19/2015		Send notification reminder to election officials who failed to submit their computer operator's log or analogous information. 10 ILCS 5/24A-13, 24B-13, 24C-14 (Rules and Regulations)	VRS
3 /20/2015		Last day for election authorities to submit request for extension to file computerized voter registration information for the Consolidated General 2015 submission. Rules and Regulations	VRS
3 /20/2015		Last day for election authority to submit computerized voter registration file for the Consolidated General 2015 submission. 10 ILCS 5/4-8,5-7,6-36	VRS
3 /20/2015		(date subject to change) Committee deadline Final day for HOUSE committee action on HOUSE bills. (House Rule) Final day for SENATE committee action on SENATE bills. (Senate Rule)	LEG
3 /23/2015		First day for early voting at the office of the Election Authority and locations designated by the Election Authority. 10 ILCS 5/19A-15	EL INFO
3 /24/2015		The Board will refer to the Attorney General of Illinois for compliance enforcement each jurisdiction whose computerized voter registration submission has not been received for the Consolidated Primary 2015 submission	VRS
3 /30/2015		Date those jurisdictions utilizing in-precinct counting equipment must submit list of those precincts that will be open for the election. 10 ILCS 5/24B-15, 24C-15	VRS
3 /30/2015		Target date for completion of the 2015 FEDERAL AND STATE OFFICERS publication. Completion will depend on how soon required data is received from the members of the General Assembly. Project began 12/1/2014. 10 ILCS 5/1A-8 (1, 2, 11)	ET&RD

Start Date	End Date	Activity	Division
3 /30/2015		Notify state sentral committee chairmen of the time and place of SBE's random selection procedure for the election jurisdiction's 5% re-tabulation of early voting equipment. 10 ILCS 5/24A-15, 5/24B-15, 5/24C-15	VRS
3 /30/2015		Notify state central committee chairmen of the time and place of SBE's random selection procedure for the election jurisdictions' 5% re-tabulation of precincts. 10 ILCS 5/24B-15 and 5/24C-15	VRS
4 /1 /2015		Prepare dates for the Appointment of Election Judges 2016/2018 document. Send to all election authorities by 5/21/2015. 10ILCS 5/13-1(1.1,2,3,5 & 7)	ET&RD
4 /1 /2015		First day that any political committee shall file its 2015 MARCH QUARTERLY REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES with the Board. 10 ILCS 5/9-10.	CAMP DISC
4 /2 /2015		Last day for election authority to notify public of time, date, and place of public test for General Consolidated. 10 ILCS 5/24B-9	VRS
4 /2 /2015		Send verification letter to election authorities to confirm the precinct data they originally submitted for their 5% retabulation. 10 ILCS 5/24B-15, 24C-15	VRS
4 /2 /2015		Last day to conduct SBE tests of automatic tabulating equipment. 10 ILCS 5/24B-9, 24C-9	VRS
4 /3 /2015		Last day for election authority to notify public of time, date, and place of re-tabulation for General Consolidated. 10 ILCS 5/24B-15	VRS
4 /4 /2015		Last day for early voting at the office of the Election Authority and locations designated by the Election Authority. 10 ILCS 5/19A-15	EL INFO
4 /4 /2015		Last day of grace period registration change of address and voting. 10 ILCS 5/4-50, 5-50, 6-100	EL INFO
4 /6 /2015		Last day of period during which any receipt of a contribution of \$1000 or more by a political committee participating in the consolidated election, must be reported within two business days following its receipt. 10 ILCS 5/9-10(c).	CAMP DISC

4. **Follow up.**
5. **Comments from the general public.**
6. **Next Board Meeting scheduled for Monday, March 16, 2015 in Springfield.**
7. **Executive session.**